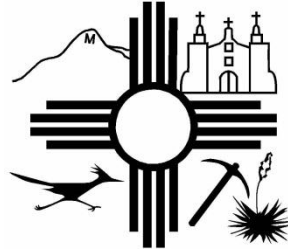


**CITY OF SOCORRO**



# **ZONING CODE**

CHAPTER 12 OF THE MUNICIPAL CODE

CITY OF SOCORRO

APPROVED APRIL 1, 1991

ZONING ORDINANCE APPROVED AUGUST 5, 1991

RAVI BHASKER, MAYOR

DAN ARMIJO, COUNCILOR

GILBERT BACA, COUNCILOR

GLADYS BACON-DESCHAMPS, COUNCILOR

TONY SAIS, COUNCILOR

CHARLES ZIMMERLY, COUNCILOR

GORDON HICKS, COUNCILOR

WILLIAM HEMENWAY, COUNCILOR

PAT SALOME, CITY CLERK

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## Chapter 12

### ZONING CODE

#### **ARTICLE 1: PURPOSE, AUTHORITY & SCOPE OF THE ZONING CODE**

##### **12-1-1 TITLE**

This ORDINANCE, including the official map, shall be known as the "Zoning Code" of the City of Socorro.

##### **12-1-2 PURPOSE AND INTENT**

The purpose of this Code is to encourage the most appropriate use of land and to promote the health, safety, morals and general welfare of the community. The regulations, plans and maps are deemed necessary to:

- A. Prevent congestion in the streets and other rights-of-way;
- B. Secure safety from fire, panic, and other dangers;
- C. Promote health and general welfare;
- D. Assure adequate light and air for all properties;
- E. Prevent the overcrowding of land and undue concentration of population;
- F. Facilitate adequate provisions for transportation, water, sewer, schools, parks, and other public facilities and reduce the effect of natural hazards;
- G. Control and abate the unlawful use of structures, buildings, or land;
- H. Encourage the conservation of energy in the use of structures, buildings and land in the City.
- I. Provide a permanent public record of all proceedings and actions concerning the Code and its enforcement.

##### **12-1-3 STATUTORY AUTHORITY AND JURISDICTION**

This Code is created and adopted pursuant to the authority set forth in the New Mexico State statutes 1978, Section 3-21-1 through Section 3-21-24, as amended, and shall be applicable to all property within the corporate limits of the City of Socorro, New Mexico,

referred to as "the City" elsewhere herein, except for state and federal land being used for public purposes.

## B. DESIGNATION OF OFFICIAL DISTRICTS:

The following shall be the official zoning districts:

R-1: Single Family, Low Density Residential Zone

R-2: Medium Density Residential Zone

R-3: High Density Residential Zone

R-4: General Residential Zone

RA: Rural Agricultural Zone

RR: Rural Residential Zone

C-1: Light Commercial Zone

C-2: General Commercial Zone

M-1: Light Industrial Zone

H: Historic Zone

## C. INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists concerning boundaries of any district shown on the Zoning Map, the following rules shall apply:

1. Boundaries shall be construed as the centerline of existing, future or vacated streets, highways, alleys, drainage, or irrigation canals or other public rights-of-way.
2. Where property has been subdivided into block and lot, the boundaries shall be construed to be the lot line.
3. Where property is not otherwise designated, divided, or subdivided, the boundary line shall be determined by the scaled distance shown on the Zoning Map.

4. In cases where property has not been specifically included within a zone, or where territory has become a part of the City by annexation, these areas shall be classified by zone by the City Council after recommendation by the Planning, Zoning, and Land Use Commission, hereinafter called the "Commission".

5. Where boundaries were created by amendment codes on the Zoning Map shall indicate the record of actions by City Council.

## **12-1-6 ACCESS TO THE ZONING CODE**

The Zoning Code and Zoning Map shall be filed with the City Clerk and shall be available for public examination by any citizen.

Copies of the Zoning Code are available for public examination and available for purchase upon request.

## **ARTICLE 2: ADMINISTRATION OF THE ZONING CODE**

### **12-2-1 ADMINISTRATIVE OFFICIAL**

Except as otherwise provided in this Code, the Code Enforcement Officer or his designee shall:

A. Administer and enforce this Code;

B. Receive applications;

C. Inspect premises for Code compliance

D. Issue permits and certificates;

E. Maintain records of all applications, amendments, permits, certificates, variances, public notices and minutes of Commission meetings for public inspection and purchase of copies.

No permit or certificate shall be issued by him/her except where compliance with the provisions of this Code has been met.

### **12-2-2 THE PLANNING, ZONING, AND LAND USE COMMISSION**

#### **A. PURPOSE**

A municipal Planning, Zoning, and Land Use Commission, hereinafter called the Commission, is hereby established for the purpose of interpretation of this Code



approving certain actions, receiving requests for modifications to this Code and rezoning, and making recommendations to the City Council concerning matters pertaining to zoning within the City.

#### B. ADMINISTRATIVE REVIEW AND INTERPRETATION:

1. The Commission shall review an administrative action of the Code Enforcement Officer when it is alleged that there is an error in the order, requirement, determination, or refusal made by the Code Enforcement Officer and reverse, affirm, or modify the administrative action.
2. The Commission shall interpret this Code when the Code Enforcement Officer is in doubt as to the exact meaning of the text.
3. The Commission shall interpret the Zoning Map in accordance with the standards set forth in the Zoning Code when the Code Enforcement Officer is uncertain as to the exact boundary of a zone shown on the Zoning Map.

#### C. POWERS AND DUTIES:

1. Recommend to the City Council either approval, denial, or modification of a request for annexation, historic district permit, special use permit, subdivision, vacation of public street or right-of-way, rezoning, amendment of this Code, or any land use consideration within the zoning jurisdiction of the City.
2. Grant final approval or denial of a variance, home occupation permit, or conditional use permit after public meeting, provided there is not an appeal to the City Council within fifteen (15) days in accordance with Article 7 of this Code.

#### D. COMPOSITION OF THE PLANNING, ZONING, AND LAND USE COMMISSION:

1. The Commission shall consist of not less than five (5) members each to be appointed by a simple majority vote of the City Council. Members shall serve staggered terms of two (2) years each. It is required that members appointed to the Commission are residents of the City of Socorro.
2. After a public hearing and for cause stated in writing and made part of the public record, a member of the Commission may be removed by a simple majority vote of the City Council.
3. Any Commission member who is present at less than one-half of scheduled Commission meetings within a calendar year shall be reported to the City Council during the following month of January by the Commission for consideration for removal.

4. A recording secretary, separate from the Code Enforcement Officer, shall be provided to assist the Commission by the City. The recording secretary shall not be a member of the Commission and shall be only responsible for those duties requested by the Commission and approved by the City Clerk.

#### E. ORGANIZATION OF THE PLANNING, ZONING, AND LAND USE COMMISSION:

The Commission shall elect a chairman and a vice-chairman in April of each year. They shall serve for one (1) calendar year following their elections.

#### F. VOTING:

A simple majority vote of a quorum of the Commission is required for approval on all Commission activities. A quorum is a majority of the total membership. Any member having a conflict of interest should verbally abstain from voting.

#### G. CRITERIA FOR RECOMMENDATIONS AND DECISIONS:

In considering all requests, the Commission shall review applicable plans to determine whether the request will:

1. Impair an adequate supply of light and air to adjacent property.
2. Unreasonably increase the traffic in public streets.
3. Increase the danger of fire or endanger the public safety.
4. Deter the orderly and phased growth and development of the Community.
5. Unreasonably impair established property values within the surrounding area.
6. In any other respect impair the public health, safety or general welfare of the City.
7. Constitute a spot zone and therefore adversely affect adjacent property values.
8. Maintain the characteristics of an established and stable neighborhood.

#### H. REPORT TO THE CITY COUNCIL:

The Commission shall provide written minutes, with recommendations as necessary, to the City Council on all matters that are brought before the Commission.

### **12-2-3 THE CITY COUNCIL**

The City Council shall make all final decisions concerning amendments to this Code, rezoning, vacation of rights-of-way, and appeals.

## **ARTICLE 3: ENFORCEMENT OF ZONING CODE**

### **12-3-1 DUTY TO ENFORCE**

It shall be the duty of the Code Enforcement Officer or his/her designee to enforce this Code.

### **12-3-2 ZONING APPROVAL REQUIRED**

No building or land shall be used or occupied, nor may a use of a building or land be converted or changed, in whole or in part, until a certificate of zoning compliance, variance or applicable permit has been issued therefore by the City. The Code Enforcement Officer shall maintain a record of all certificates of zoning compliance, variances, and permits, and copies shall be furnished upon request to any person for the cost of reproduction.

### **12-3-3 LEGAL DOCUMENTS TO INSURE COMPLIANCE**

The Code Enforcement Officer may at his/her discretion require affidavits, disclosure statements, deed restrictions or other legal documents to assure compliance with the provisions of this Code. Such documents may be approved for use in specific cases by the City Attorney.

### **12-3-4 VIOLATIONS OF THE ZONING CODE**

It shall be a violation of this Code for any person, firm, or corporation to unlawfully neglect, refuse to comply with, or resist the enforcement of any provision of this Code or any requirement pursuant thereto, or in any way use, change or construct a building or structure in non-conformance with zoning approval. Any person or persons found guilty of violating any provision of this Code shall be punished by a fine of not less than ten dollars (\$10.00) nor more than two-hundred dollars (\$200.00) or by imprisonment in jail for a period not to exceed thirty (30) days, or by both fine and imprisonment. Each day that such violation exists shall constitute a separate offense.

Violations of this Code shall be brought into compliance, abated, removed or prosecuted in municipal court to be prosecuted as a violation. In all such cases that the Court rules to allow a structure to remain in non-conformance with this Code, there shall be a pro

forma action by the City Council permitting such use. Such action shall be consistent with the Court's ruling, and thereafter said use shall be considered as a legal non-conforming use and be subject to the provisions thereof.

## **ARTICLE 4: NON-CONFORMING USE PROVISIONS**

### **12-4-1 DEFINITION OF NON-CONFORMING USE AND CONTINUANCE**

A non-conforming use is any legal existing use of land, building, or structure that does not conform to the land use provisions of this Code at the time of passage. The legal use of a building or land existing at the time of the passage of this ordinance may be continued, even though such use does not conform with the land use provisions of this Code. Whenever a non-conforming use of a building or land has been changed to a conforming use, such use shall not thereafter be changed to a less restrictive use, except by a zoning district change.

### **12-4-2 ENLARGEMENT OR EXTENSION OF NON-CONFORMING USE**

A non-conforming use or building shall not be enlarged, replaced, moved, or extended in size or use. Normal renovation and repairs shall be permitted, provided there are no structural alterations.

### **12-4-3 DISCONTINUANCE OF A NON-CONFORMING USE**

In the event that a non-conforming use of any building or land is discontinued for one (1) year, the use of the same shall thereafter conform to the requirements of this Code.

### **12-4-4 NON-CONFORMING USE CERTIFICATE REQUIRED**

A non-conforming use certificate shall be required for all non-conforming uses of land and buildings created by the adoption of this Zoning Code. It is the responsibility of the property owners to furnish affidavits or other legal documents to the Code Enforcement Officer establishing the legal non-conforming status of the structures or land uses.

### **12-4-5 REVIEW**

A non-conforming use shall be subject to review by staff on each annual anniversary following its approval. If it is determined from review that the current use is significantly different or larger in scale than that originally approved, the permit may be revoked by the Commission.

## **12-4-6 TRANSFERRAL**

Non-conforming use certificates may be transferred from one person/owner to another but only for the same use of that building or property.

## **ARTICLE 5: ADMINISTRATIVE PROCEDURES- PERMITS AND CERTIFICATES**

### **12-5-1 CERTIFICATE OF ZONING COMPLIANCE**

No new building or land use shall be used or occupied, nor may a use of a building or land be converted or changed, in whole or in part, until a certificate of zoning compliance is issued therefore by the Code Enforcement Officer. A certificate of zoning compliance shall be issued only if the proposed use of a building or property is permitted by right within the zone wherein the use is proposed to occur.

#### **A. FEE:**

A non-refundable application fee of ten dollars (\$10.00) must accompany each application.

#### **B. SUBMISSION REQUIREMENTS:**

The application for a certificate of zoning compliance shall be on the form supplied by the Code Enforcement Officer and shall contain plans, and other information as required by the Code Enforcement Officer as well as that information required elsewhere in this Code.

#### **C. LIMITATION:**

A certificate under which no use is commenced or work preparatory to use is commenced within one (1) year after issuance shall expire by limitation.

#### **D. REVOCATION:**

The Commission may revoke a certificate issued under this Code if it is determined a false statement or misrepresentation of material fact is provided by the applicant as a part of the application or testimony on which the certificate of approval was based.

#### **E. TRANSFERRAL**

Certificates of zoning compliance shall not be transferable from location to location but shall be transferable from applicant to another applicant for the same use of a building or property.

## **12-5-2      CONDITIONAL USE PERMIT**

A permit may be authorized by the Commission for uses stipulated as conditional within specific zones as presented in Article 8 of this Code.

### **A. PROVISIONS FOR CONDITIONAL USE:**

1. The subject use must be compatible to the existing uses in that zone;
2. Conditional use permits shall not be granted if projected traffic flows impacts the transportation system beyond its safe capacity;
3. Conditional use permits shall not be granted if existing infrastructure capacities are inadequate to accommodate the new development, unless infrastructure expansion is provided as part of the proposed development;
4. Conditional use permits shall not be granted if the proposed development significantly affects environmentally sensitive issues such as areas of historical significance, ground and surface water, and air quality.
5. Conditional use permits shall not be granted in such cases where it would adversely affect adjoining property values or endanger public safety.

### **B. FEE:**

An application fee of fifty-dollars (\$50.00) must accompany each application.

### **C. SUBMISSION REQUIREMENTS:**

The application for a conditional use permit shall be in the format stipulated by the Code Enforcement Officer and shall contain plans and other information as required by the Code Enforcement Officer. After reviewing the application for completeness, the Code Enforcement Officer shall place the completed application upon the agenda of the Commission.

### **D. NOTIFICATION:**

The Code Enforcement Officer shall notify by certified mail all property owners within one hundred (100) feet, excluding public rights-of-ways, of the request. The current records of the County Assessor's Office shall be used to determine property ownership. The adjoining property owners shall have the opportunity to comment upon the proposed permit before the Commission prior to any decision being made by the Commission.

#### E. REVIEW:

A conditional use permit shall be subject to review by staff on each annual anniversary following its approval. If it is determined from the review that the current use is significantly different or larger in scale than that originally approved, the conditional use permit may be revoked by the Commission.

#### F. TRANSFERRAL:

Conditional use permits shall not be transferable from location to location, building owner, to building owner, or applicant to other party.

### **12-5-3 HOME OCCUPATION PERMIT**

A home occupation permit is required for the conduct of trade, services, or manufacturing within a dwelling unit in a residential zone. Allowable uses and restrictions for home occupation permits are stated in the definition for Home Occupation included in Article 16. Home occupation permits may be authorized by the Commission.

#### A. PROVISIONS FOR HOME OCCUPATION PERMIT:

Home occupation permits shall not be granted in such cases where they would adversely affect adjoining properties, impair established property values, unreasonable increase vehicle traffic flow, or endanger public safety.

#### B. FEE:

An application fee of fifty dollars (\$50.00) must accompany each application.

#### C. SUBMISSION REQUIREMENTS:

The application for a home occupation permit shall be in the format stipulated by the Code Enforcement Officer and shall contain plans and other information as required by the Code Enforcement Officer. After reviewing the application for completeness, the Code Enforcement Officer shall place the completed application upon the agenda of the Commission.

#### D. NOTIFICATION:

The Code Enforcement Officer shall notify by certified mail all property owners within one hundred (100) feet, excluding public rights-of-way, of the request. The current records of the County Assessor's Office shall be used to determine property ownership. The adjoining property owners shall have the opportunity to comment upon the

proposed permit before the Commission prior to any decision being made by the Commission.

#### E. REVIEW:

A home occupation permit shall be subject to review by the Commission on each annual anniversary following its approval. If it is determined from review that the current use is significantly different or larger in scale than that originally approved, the home occupation permit may be revoked by the Commission.

#### F. TRANSFERRAL:

Home occupation permits shall not be transferable from location to location, building owner to building owner, or applicant to other party.

### **12-5-4 VARIANCE**

A variance may be authorized by the Commission for purposes which conform to the provisions of this Code. The variance shall provide relief from the strict application of dimension, distance, parking or setback requirements of this Code.

#### A. PROVISIONS FOR VARIANCE:

1. The subject property must be irregular, narrow, shallow, or steep or otherwise have physical conditions where application of the requirements of this Code would result in practical difficulty or unnecessary hardship to the owner in the use of his land or building.
2. Variances shall not be granted in such cases where it would adversely affect adjoining properties, impair established property values, or endanger public safety.
3. Variances shall not be granted to change the use of a structure or property which is not otherwise permitted by right or by conditional or special use within the zone where said structure or property is located.

#### B. FEE:

An application fee of fifty dollars (\$50.00) must accompany each application.

#### C. SUBMISSION REQUIREMENTS:

The application for variance shall be in the format stipulated by the Code Enforcement Officer and shall contain plans and other information as required by the Code



Enforcement Officer. After reviewing the application for completeness, the Code Enforcement officer shall place the completed application upon agenda of the Commission.

#### D. NOTIFICATION:

The Code Enforcement Officer shall notify by certified mail all property owners within one hundred (100) feet excluding public rights-of-way, of the request. The current records of the County Assessor's Office shall be used to determine property ownership. The adjoining property owners shall have the opportunity to comment upon the proposal permit before the Commission prior to any decision being made by that Commission.

#### E. REVOCATION:

A variance shall be automatically revoked in the event a building permit for the approved variance has not been obtained within ninety (90) days, or construction has not been completed within one (1) year after the building permit has been issued. The Commission may grant ninety (90) days extension if deemed appropriate.

#### F. REAPPLICATION FOR VARIANCE:

In the event of a denial decision by the Commission, there shall be no reapplication for the same variance for a period of one (1) year after the date of the decision.

### **12-5-5 SPECIAL USE PERMIT**

A special use permit may be authorized by the City Council after hearing the recommendation of the Commission. A special use permit is required for a specific land use which is not permitted by right within the zone wherein it is requested.

#### A. PROVISIONS FOR SPECIAL USE PERMIT:

1. The subject use must be unusual and unique and may be incompatible with planned property uses within the general area and zone in which the special use is proposed.
2. The applicant must assure that use regulations and specifications that are determined to be applicable by the City Council to the special use shall be observed;
3. Special use permits shall not be granted in such cases where it would adversely affect adjoining property values, or endanger public safety;

4. Special use permits shall not be granted in such cases where the use is or will become detrimental to the character of the zone wherein it is located.

#### B. FEE:

An application fee of one-hundred dollars (\$100.00) must accompany each application. All but twenty-five dollars (\$25.00) of the fee shall be refunded if the application is withdrawn twenty-four (24) hours before a regularly scheduled hearing of the Commission. If a special hearing is requested by the applicant, which is not on the date of a regularly scheduled Commission meeting, no part of the application fee shall be refunded if the application is withdrawn prior to the special hearing.

#### C. SUBMISSION REQUIREMENTS:

The application format for a special use permit shall be in the format stipulated by the Code Enforcement Officer. There shall be a comprehensive statement included with each application indicating in detail the reason for the request, the purpose and the use of the property, all improvements to be made, and a site plan including the following:

1. Location of existing and proposed structures including the dimensions of setbacks;
2. Existing and proposed vehicular circulation systems, including parking areas, storage areas, service areas, loading areas, and major points of access, including street pavement width and right-of-way;
3. Location and treatment of open spaces including landscaping plan and schedule;
4. Lighting;
5. Signage.

A drainage plan, site plan, landscaping plan, and grading plan shall be required for all special use developments.

#### D. PUBLIC HEARING AND NOTICE PROCEDURE

A public hearing shall be held by the Commission for all special use permits. All property owners within one-hundred (100) feet, excluding public rights-of-ways, of the request shall be notified in accord with the provisions of Article 7 of this Code. The current records of the County Assessor's Office shall be used to determine property ownership.

#### E. REVIEW AND APPROVAL:

The City Council may deny special use permits, or may grant final approval in accord with certain conditions, with rights of appeal in accordance with Article 7 of this Code. Approval may also be granted with additional conditions imposed which are deemed necessary to insure that the purpose and intent of this Code is met and to protect and provide safeguards for persons and property in the vicinity.

#### F. TIME LIMITATION AND REVOCATION:

The City Council may impose a time limitation on a special use permit. If a special use is not initiated within one year following approval or if a special use is discontinued for a period of one (1) year, said permit shall be automatically revoked. All improvements shall be in accord with the development standards of the zone except as otherwise authorized by the special use permit. Significant improvements shall result in the revocation of the special use permit.

#### G. RESUBMITTAL OF APPLICATION FOR SPECIAL USE PERMIT:

Application for a special use permit shall not be resubmitted or reconsidered for a period of six months after it has been acted upon by the City Council.

#### H. ZONING AND SPECIAL USE:

Special uses shall not be considered a zoning district change.

### **ARTICLE 6: AMENDMENTS TO THE ZONING CODE AND MAP**

#### **12-6-1      AMENDMENT**

Amendments to the Zoning Code or Zoning Map may be initiated by a private land owner, government agency, the Commission, or by the City Council. The City Council after a public hearing held in conformance with Article 7 of this Code and after considering the recommendation of the Commission, may amend, supplement, or repeal any portion or all of this Code.

#### A. APPLICATION:

If initiated by a private land owner, an application for a amendment shall be in the format stipulated by the Code Enforcement Officer and shall include all information considered necessary by the Code Enforcement Officer.

The application must be filed with the Code Enforcement Officer for placement upon the agenda of the Commission and City Council.

**B. FEE:**

**1. Map Change:**

Application for a change to the Zoning Map shall be charged a non-refundable fee of \$100.00.

**2. Amendment to the text of the Zoning Code:**

Application for a change to the text of the Zoning Code shall be \$100.00; the fee shall be refunded upon City Council approval of the proposed amendment.

**12-6-2 ANNEXATION**

Application for annexation is also an application for a change to the Zoning Map and must be filed and processed in accordance with this Article.

**12-6-3 APPEALS AND PROTESTS**

The decision of the City Council shall be final concerning amendments to the Zoning Code and Zoning Map subject to the appeal and protest procedures in accord with Article 7 of this Code.

**ARTICLE 7: MEETINGS, HEARINGS, APPEALS, AND PETITIONS TO THE DISTRICT COURT**

**12-7-1 MEETINGS OF THE PLANNING, ZONING AND LAND USE COMMISSION**

The Commission shall hold regular monthly meetings open to the public and advertised at least seven (7) calendar days in advance in one newspaper of general circulation in the City. Special meetings may be held by the Commission for items of urgency following twenty-four hour advance notification of place, time, and date of the meeting and items to be considered. The notice shall be posted at three (3) public places.

The Commission may decide administrative items, home occupation permits, variances and conditional use applications in open meetings and may review applications for subdivisions, historic district permits, special use permits, vacation of rights-of-way annexations, and must be held, however, before the Commission votes a recommendation to the City council for subdivisions, historic district permits, special use permits vacation of rights-of-way annexation or amendments to this Code or the Zoning Map. Hearings may be held in conjunction with scheduled meetings of the Commission.

## **12-7-2 HEARING OF THE PLANNING, ZONING, AND LAND COMMISSION**

No zoning regulation, restriction, or boundary shall be recommended for change or repeal by the Commission until after a public hearing at which all parties in interest and citizens shall have an opportunity to be heard.

### **A. REQUIREMENTS OF PUBLIC NOTICE:**

Notice of the time and place of the public hearing shall be published at least fifteen (15) days prior to the date of the hearing in one newspaper or general circulation in the City.

### **B. REQUIREMENT OF NOTICE TO PROPERTY OWNERS:**

1. Whenever a change in zoning is proposed for an area of one block or less, notice of the public hearing shall be mailed by certified mail, return receipt requested, to the owners as shown by the records of the County Assessor, of lots or land within the area proposed to be changed by a zoning regulation and within one hundred (100) feet, excluding public right-of-way, of the area proposed to be changed by zoning regulation.

2. Whenever a change in zoning is proposed for an area of more than one block, the procedure stated in the preceding paragraph shall be followed EXCEPT that property owners shall be advised by certified mail. If a notice by certified mail to owner is returned undelivered, City staff shall attempt to discover the owner's most recent address and shall remit the notice by certified mail, return receipt requested, to that address.

3. Notice shall be mailed not less than fifteen (15) days prior to the required public hearing.

### **C. RECOMMENDATIONS OF THE PLANNING, ZONING AND LAND USE COMMISSION:**

Recommendations of the Commission shall be made in accordance with the criteria stated in Article 2 of this Code.

### **D. REPORT TO THE CITY COUNCIL:**

The Commission shall state its findings in its minutes and shall provide the City Council with a copy of its minutes.

## **12-7-3 MEETINGS OF THE CITY COUNCIL**

The City Council shall hold meetings open to the public and advertised at least seven (7) calendar days in advance in one newspaper of general circulation in the City

whenever the City Council is to consider a recommendation of the Commission. Approval of most decisions concerning the Zoning Code and Zoning Map shall require a simple majority vote of a quorum of the City Council. The City Council shall require a simple majority vote of a quorum of the City Council. The City Council shall not allow a change under the conditions imposed by Article 12-7-4(H) of this Code or decide an appeal unless voted by a majority of all members of the Council.

## **12-7-4 APPEALS**

### **A. GROUNDS FOR APPEAL**

Any aggrieved person, officer, department board or bureau of the City that is affected by a decision of an administrative officer, commission, or council in the administration or enforcement of this Code, or any other resolution, rule, or regulation adopted pursuant to Sections 3-21-1 through 3-22-12 of the New Mexico state statutes 1978, as amended, may appeal such decision to the Commission or to the City Council, as appropriate. Such appeal must be initiated in writing within fifteen days after all other procedures authorized by this Code have been exhausted.

1. Appeal of any action of the Code Enforcement Officer or his/her designee is to the Commission. The Commission may decide such appeals or refer the appeal to the City Council with its recommendation for action. The decision of the Commission may be appealed to the City Council.

2. Appeal of all other matters concerning zoning shall be to the City Council.

### **B. APPEAL SUBMISSION:**

An appeal shall state specifically the claim of error or abuse. The appeal shall be filed with the Code Enforcement Officer for placement on the agenda of the Commission or City Council.

### **C. AUTHORITY OF THE CITY COUNCIL:**

When an appeal alleges that there is error in any order, requirement, decision or determination by an administrative official or commission in the enforcement of this Code, or any other resolution, rule or regulation adopted pursuant to the state statutes, the City Council, by a majority vote of all its provisions of this Code have been exhausted, reverse, or affirm any order, requirement, decision or determination of an administrative official or commission; or make any change in an order, requirement, decision or determination of an administrative official.

#### D. STAY OF PROCEEDINGS:

An appeal shall stay all proceedings in furtherance of the action appealed unless the officer, official, commission, or board from whom the appeal is taken, certifies that by reason of facts a stay would come imminent peril of life and property. Upon certification, the proceedings shall not except by order of district court after notice to the official, commission, or board from whom the appeal is taken.

#### E. NOTICE OF APPEAL:

Public notice of an appeal must be given in the manner of hearings of the Commission and as stated at Article 12-7-2(A) of this Code.

#### F. FEE:

A fee of fifty dollars (\$50.00) must accompany each appeal. The entire fee shall be refunded if the appeal is decided in favor of the appellant.

#### G. TIME FOR DECISION:

An appeal shall be decided within sixty (60) days of its filing.

#### H. PROTEST OF ZONING CHANGE BY PROPERTY OWNERS:

If the owners of twenty percent (20%) or more of the area of the lots and land included in the area proposed to be changed by a zoning regulation or within one hundred (100) feet, excluding public right-of-way, object of the area proposed to be changed by zoning regulation, the proposed change in zoning shall not become effective unless approved by a majority vote of all members of the City Council.

### **12-7-5 PETITION TO DISTRICT COURT**

Any person aggrieved by a determination of the City Council or any officer, department or board of the City may present to the district court a petition, duly verified, setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition shall be presented to the court within thirty days after the decision is entered in the records of the City Council and shall be as required under applicable statutes.

## **ARTICLE 8: ZONING DISTRICTS**

### **12-8-1 PURPOSE**

General Districts are residential, commercial, light industrial, historic, and agricultural zoning districts in the City. This section outlines the intended purpose of each general district and states the permitted, special and conditional uses for each district.

#### **A. PERMITTED USE DEFINED:**

A permitted use which is listed as permitted by right in a zoning district. Non-specified uses which are similar to those specified are also permitted, by right, except as otherwise restricted within this Code.

#### **B. CONDITIONAL USE DEFINED:**

A conditional use is a use that is considered compatible to a permitted use and is described as conditional in specific zones. A conditional use permit requires review and approval by the Commission to determine if the use is desirable or essential to the public welfare, safety, health, morals or convenience of the residents in that zone. The City may impose standards for development of conditional uses to insure the use will not adversely affect the public or surrounding property owners. See Article 12-5-2 for procedures governing a Conditional Use Permit.

#### **C. SPECIAL USE DEFINED:**

A special use is a use which is of an unusual or unique character and which may be offensive or incompatible in some cases within a zoning district. A special use requires review and approval by the City Council, after recommendation by the Commission to determine impacts on the surrounding area. The City may impose standards for development of special uses to insure the use will not adversely affect the public or surrounding property owners. See Article 12-5-5 for procedures governing a Special Use Permit.

### **12-8-2 R-1 SINGLE FAMILY, LOW DENSITY RESIDENTIAL DISTRICT**

#### **A. PURPOSE:**

The R-1 District is intended to accommodate detached single-family dwelling units and to maintain and protect a low density residential character of development. Accessory uses which are incidental to and customarily found with the R-1 District are also permitted.



## B. DEVELOPMENT REQUIREMENTS:

Development standards are provided in Article 14.

## C. R-1 PERMITTED USES:

The following uses are permitted by right in R-1 Districts.

1. ACCESSORY BUILDING. Subject to the provisions of Article 9.
2. CONSTRUCTION YARD OR BUILDING (TEMPORARY). Such yard or building shall be removed upon completion of construction or within three (3) years from date of permit, whichever is sooner. Construction yards and buildings shall be maintained in a neat and orderly fashion, and open yards shall be enclosed by a fence five (5') feet in height. However, there shall be no fence or wall more than three feet (3') in total height above street-curb level located within thirty (30') feet of a street intersection.
3. DETACHED SINGLE FAMILY DWELLINGS.
4. GARAGE OR YARD SALE OR SIMILAR USE. Three (3) sales are permitted in a one (1) year period at a single address. A sale shall not exceed three (3) consecutive days.
5. GREENHOUSE (NON-COMMERCIAL), GARDEN SHEDS, TOOL SHEDS. When detached from the main dwelling such structures are subject to the provisions of Accessory Buildings.
6. HOME OCCUPATION. Subject to the provisions of Article 12-5-3.
7. MANUFACTURED HOMES. Subject to the provisions stated in Article 11 and 14.
8. PUBLIC PARK, PLAYGROUND, BALLFIELDS OR TENNIS COURTS.
9. KENNEL (PRIVATE RESIDENTIAL).
10. SERVANTS QUARTERS. Living quarters for domestic servants, not to exceed two (2) individuals, shall be permitted as an accessory use.
11. STORAGE: RECREATIONAL VEHICLES. Storage of personal recreational vehicles, boats, trailers or similar uses shall be limited to a maximum of one (1) per dwelling unit in the side yard with no limit in the rear yard separated at least five (5) feet from the property line.

12. SWIMMING POOL: (PRIVATE). Permitted only when a protective fence (4) feet in height is provided around the yard, lot or pool area. The pool shall be no closer than five (5) feet from any property line and approval from all utilities is required to insure overhead safety.

13. TELEVISION AND RADIO TOWERS AND ALL OTHER FREE-STANDING TOWERS (PUBLIC AND PRIVATE USE). Towers shall have manufacturer's specification to withstand a 75 m.p.h. wind and shall be constructed to meet Uniform Building Code standards. Towers and dish antennas for the reception of satellite signals shall be permitted only in rear yards.

14. TENNIS COURTS (PRIVATE FOR RESIDENTIAL USE).

#### D. R-1 CONDITIONAL USES:

1. Home for Handicapped, Disabled, Retarded, or Retired. Subject to requirements of the New Mexico statutes, 1978, Section 3-21-1, Paragraph c, as amended. There shall be no more than ten (10) persons in one home, and parking must be provided in compliance with Article 12-12-2(E) of this Code.

#### E. R-1 SPECIAL USES:

The following uses require a public hearing and approval of the City Council after a recommendation by the Planning, Zoning, and Land Use Commission. Specific conditions and provisions for special uses may be referred to in Article 12-5-5.

1. Bed and Breakfast Inn.
2. Cemetery. Shall provide landscaping, screening and buffering.
3. Child Care Center. (Six or more children).
4. Church. (Over ten (10) persons).
5. Community Building.
6. Golf Course and Country Club.
7. Offices in Historic Structures.
8. Schools. (Public, Private, University, Junior College, and Parochial).

### **12-8-3 R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT**

#### **A. PURPOSE:**

This zone is intended for single and multi-family dwellings, residential condominiums, townhouses, and apartment units in which a medium-density residential character is protected and maintained. Manufactured housing is permitted in accordance with development standards. Mobile homes are only permitted in mobile home subdivisions which are only permissible as a special use.

#### **B. DEVELOPMENT REQUIREMENTS:**

Development standards are provided in Article 14.

#### **C. R-2 PERMITTED USES:**

The following uses are permitted by right in R-2 Districts:

1. Accessory Buildings. Subject to the provisions of Article 9.
2. Apartments. Maximum of four (4) attached units.
3. Condominiums (Residential). Maximum of four (4) attached units.
4. Construction Yard or Building: (Temporary). Such yard or building shall be removed upon completion of construction or within three (3) years from date of permit, whichever is sooner. Construction yards and building shall be maintained in a neat and orderly fashion, and open yards shall be enclosed by a fence six (6) feet in height. However, there shall be no fence or wall more than three feet (3') in total height above street-curb level located within thirty (30') feet of a street intersection.
5. Dwellings. Maximum of four (4) attached dwelling units, not to exceed a maximum density of ten (10) dwelling units per acre.
6. Garage or Yard Sale or similar Use. Three (3) sales are permitted in a one (1) year period at a single address. A sale shall not exceed three (3) consecutive days.
7. Greenhouses (Non-Commercial Garden Sheds, Tool Sheds). When detached from the main dwelling such structures are subject to the provisions of Accessory Buildings.
8. Home Occupation. Subject to the provisions of Article 12-5-3.

9. Manufactured Homes. Subject to the provisions stated in Article 11 and 14.

10. Public Park, Playground, Ball field, or Tennis Court.

11. Kennel (Private, Residential).

12. Servants Quarters (Living quarters for domestic servants). Not to exceed two (2) individuals, shall be permitted as an accessory use.

13. Storage Recreational Vehicles. Storage of personal recreational vehicles, boats, trailers, or similar uses shall be limited to a maximum of one (1) per dwelling unit in the side yard, with no limit in the rear yard, separated at least five (5) feet from any property line.

14. Swimming Pools: (Private). Permitted only when a protective fence four (4) feet in height is provided around the yard, lot, or pool area. The pool shall be no closer than five (5) feet from any property line, and approval from all utilities is required to insure overhead safety.

15. Television and Radio Towers, and all other Free-Standing Towers (Public and Private Use). Towers shall have manufacturer's specifications to withstand a 75 m.p.h. wind and shall be constructed to meet Uniform Building Code standards. Towers and dish antennas for the reception of satellite signals shall be permitted only in rear yards.

16. Townhouses. Maximum of four (4) attached units.

#### D. R-2 CONDITIONAL USES.

1. Bed and Breakfast Inn.

2. Boarding Houses.

3. Home for Handicapped, Disabled, Retarded or Retired. Subject to requirements of the New Mexico state statutes, 1978, Section 3-21-1, Paragraph c, as amended. There shall be no more than ten (10) persons in one home, and parking must be provided in compliance with Article 12-12-2(E) of this Code.

#### E. R-2 SPECIAL USES.

The following uses require a public hearing and approval of the City Council after a recommendation by the Planning, Zoning and Land Use Board. Specific conditions and provisions for special uses are described in Article 12-5-5.

1. Athletic Clubs or Bathhouses.
2. Cemetery. Shall provide landscaping, screening and buffering.
3. Child Care Center. (Six 6 or more children).
4. Church. (Ten (10) or more persons).
5. Community Building. Public or private.
6. Golf Course and Country Club.
7. Mobile Home Subdivisions.
8. Nursing or Retirement Home. (Eleven (11) or more residents).
9. Offices in Historic Structures.
10. Schools. (Primary, Secondary, and Parochial).
11. Swimming Pools. (Public and Commercial).
12. Funeral Home or Mortuary.
13. Professional Office (3,000 square feet or less).

#### **12-8-4      R-3      HIGH DENSITY RESIDENTIAL DISTRICT**

##### **A. PURPOSE:**

The R-3 District is intended to accommodate multiple family dwelling units and accessory structures and uses. The zone is intended to maintain and protect high density residential development that is characteristic of apartment, townhouses, condominiums and similar housing. This zone also permits one and two family homes and manufactured homes. Mobile homes are permitted, by conditional use, in mobile home parks and subdivisions. Trade services and other uses characteristic of a neighborhood are only permitted as a special use.

##### **B. DEVELOPMENT STANDARDS:**

Development standards are provided in Article 14.

### C. R-3 PERMITTED USES.

The following uses are permitted by right in R-3 Districts:

1. Accessory Building. Subject to the provisions of Article 9.
2. Apartments.
3. Bed and Breakfast Inn.
4. Boarding House.
5. Church. (Over 10-persons).
6. Condominiums. (Residential and Professional).
7. Child Care Center, Nursery or Similar Use. Play areas shall be in accord with state licensing requirements and enclosed with a solid wall or fence five (5) feet in height.
8. Construction Yard or Building (Temporary Use). Such yard or building shall be removed upon the completion of construction or within three (3) years from date of permit, whichever is sooner. Construction yards and buildings shall be maintained in a neat and orderly fashion and open yards shall be enclosed by a fence five (5) feet in height. However, there shall be no fence or wall more than three feet (3') in total height above street-curb located within thirty feet (30') of a street intersection.
9. Dwellings. Single or multi-family units, apartments, townhouses and condominiums.
10. Garage or Yard Sale or Similar Use. Three (3) sales are permitted in a one (1) year period at a single address. A sale shall not exceed three consecutive days.
11. Greenhouses (Non-Commercial, Garden Sheds, Tool Sheds). When detached from the main dwelling such structures are subject to the provisions of Accessory buildings.
12. Home for Handicapped, Disabled, Retarded, or Retired. Subject to state requirements of the New Mexico Statutes, Section 3-21-1, Paragraph c, as amended. Parking spaces must be provided, in compliance with Article 12-12-2(E) of this Code.

13. Home Occupation. Subject to the provisions of Article 12-5-3.
14. Manufactured Homes. Subject to the provisions of Articles 11 and 14.
15. Kennel (Private, Residential).
16. Public Park, Playground, Ball field, and Tennis Courts.
17. Servants Quarters. Living quarters for domestic servants, not to exceed two (2) individuals, shall be permitted as an accessory use.
18. Storage: Recreational Vehicles. storage of personal recreational vehicles, boats, trailers, or similar uses shall be limited to a maximum of one (1) per dwelling in the side yard, with no limit in the rear yard, separated at least five (5) feet from any property line.
19. Swimming Pool: Private. Permitted only when a protective fence four (4) feet in height is provided around the yard, lot or pool area. The pool shall be no closer than five (5) feet from any property line, and approval from all utilities is required to insure overhead safety.
20. Television and Radio Towers (Public and Private Use). Towers shall have manufacturer's specifications to withstand a 75 M.P.H. wind and shall be constructed to meet Uniform Building Code standards. Towers and dish antennas for the reception of satellite signals shall be permitted only in rear yards.
21. Tennis Courts. (Private for residential use).
22. Townhouses. (Maximum of eight (8) attached units).

#### D. R-3 CONDITIONAL USES

1. Mobile Home Subdivision. Provided a site plan for the development is approved by the Commission, and the subdivision is approved and in accordance with the City subdivision ordinance, and subject to the provisions of Articles 11 and 14.
2. Private Club or Lodge. Permitted when used in conjunction with non-profit organizations such as Lions Club, Elks Lodge, and the like, and when the development meets the planning criteria of the Commission. Building(s) shall not be located within one hundred (100) feet of an R-1 or R-2 Zone. Private clubhouses and game rooms are also permitted when used as a part of an apartment, condominium, or townhouse complex, provided such development

meets the planning criteria of the Commission, and provided each building(s) shall not be located within fifty (50) feet of an R-1 or R-2 Zone.

#### E. R-3 SPECIAL USES.

The following uses require a public hearing and approval of the City Council after a recommendation by the Planning, Zoning and Land Use Commission. Provisions for special use permits are stated in Article 12-5-5 of this Code.

1. Amusement Park
2. Athletic Clubs or Bathhouses
3. Barber and Beauty Shops
4. Cemetery: Shall provide landscaping, screening, and buffering.
5. Church: over ten (10) persons
6. Community Building: Public or Private
7. Convenience Store: Three thousand (3,000) square feet or less.
8. Gas Pumps (accessory to a grocery or convenience store)
9. Golf Course and Country Club
10. Grocery store: Three thousand (3,000) square feet or less.
11. Halfway House and Quasi-Institutional Houses
12. Hospital or overnight Clinic
13. Kennel, Commercial
14. Professional Offices in Historic Structures
15. Professional Offices: offices which provide health services such as medical, chiropractic, or dental and certain professional offices which have a low traffic volume such as attorneys or accountants, provided such offices maintain the residential character of the neighborhood and zoning where they are located.
16. Recreational Vehicle Park



17. Roller Skating Rink
18. School: Public, private, or parochial
19. Swimming Pool: Public or Commercial
20. Video Tape Rentals and Sales
21. Funeral Home or Mortuary
22. Mobile Home Park

## **12-8-5      R-4 GENERAL RESIDENTIAL DISTRICT**

### **A. PURPOSE:**

The R-4 District is intended to accommodate single as well as multiple family dwelling units and accessory structures and uses. The zone is intended to maintain and protect varied residential development. This zone permits mobile home parks and subdivisions. Trade services and other uses characteristic of a neighborhood are only permitted as a special use.

### **B. DEVELOPMENT STANDARDS:**

Development standards are provided in Article 14.

### **C. R-4 PERMITTED USES**

The following uses are permitted by right in R-4 Districts:

1. Accessory Building. Subject to the provisions of Article 9.
2. Apartments.
3. Bed and Breakfast Inn.
4. Boarding House.
5. Church. (Over 10-persons).
6. Condominiums (Residential and Professional).

7. Child Care Center, Nursery or Similar Use. Play areas shall be in accord with state licensing requirements and enclosed with a solid wall or fence five (5) feet in height.
8. Construction Yard or Building (Temporary Use). Such yard or building shall be removed upon the completion of construction or within three (3) years from date of permit, whichever is sooner. Construction yards and buildings shall be maintained in a neat and orderly fashion and open yards shall be enclosed by a fence five (5) feet in height. However, there shall be no fence or wall more than three (3') feet in total height above street-curb located within thirty feet (30') of a street intersection.
9. Dwellings. Single or multi-family units, apartments, townhouses and condominiums.
10. Garage or Yard Sale or Similar Use. Three (3) sales are permitted in a one (1) year period at a single address. A sale shall not exceed three (3) consecutive days.
11. Greenhouse (Non-Commercial), Garden Sheds, and Tool Sheds. When detached from the main dwelling such structures are subject to the provisions of Accessory Buildings.
12. Home for Handicapped, Disabled, Retarded, or Retired. Subject to state requirements of the New Mexico Statutes, Section 3-21-1, paragraph c, as amended. Parking spaces must be provided, in compliance with Article 12-12-2(E) of this Code.
13. Home Occupation. Subject to the provisions of Article 12-5-4.
14. Manufactured Homes. Subject to the provisions of Articles 11 and 14.
15. Mobile Homes. Subject to the provisions of Articles 11 and 14.
16. Mobile Home Subdivision. Providing a site plan for the development is approved by the Commission, and the subdivision is in accordance with City Subdivision Ordinance, and subject to the provisions of Articles 11 and 14.
17. Mobile Home Park. Providing a site plan for the development is approved by the Commission and subject to the provisions of Articles 11 and 14.
18. Kennel (Private, Residential).

19. Private Club or Lodge. Permitted when used in conjunction with non-profit organizations such as Lions Club, Elks Lodge, and the like. Building(s) shall not be located within one hundred (100) feet of an R-1 or R-2. Private clubhouses and game rooms are also permitted when used as a part of an apartment, condominium, or townhouse complex, provided such building(s) shall not be located within fifty (50) feet of an R-1 or R-2 Zone.

20. Public Park, Playground, Ball field and Tennis Courts.

21. Servants Quarters. Living quarters for domestic servants, not to exceed two (2) individuals, shall be permitted as an accessory use.

22. Storage: Recreational Vehicles. Storage of personal recreational vehicles, boats, trailers, or similar uses shall be limited to a maximum of one (1) per dwelling unit in the side yard with no limit in the rear yard, separated at least five (5) feet from any property line.

23. Swimming Pool: Private. Permitted only when a protective fence four (4) feet in height is provided around the yard, lot or pool area. The pool shall be no closer than five (5) feet from any property line, and approval from all utilities is required to insure overhead safety.

24. Television and Radio Towers (Public and Private Use). Towers shall have manufacturer's specifications to withstand a 75 M.P.H. wind and shall be constructed to meet Uniform Building Code standards. Towers and dish antennas for the reception of satellite signals shall be permitted only in rear yards.

25. Tennis Courts. (Private for residential use).

26. Townhouses. (Maximum of eight (8) attached units).

#### E. R-4 SPECIAL USES.

The following uses require a public hearing and approval of the City Council after a recommendation by the Planning, Zoning, and Land Use Commission. Provisions for special use permits are stated in Article 12-5-5 of this Code.

1. Amusement Park
2. Athletic Clubs and Bathhouses
3. Barber and Beauty Shops
4. Cemetery: Shall provide landscaping, screening, and buffering.

5. Community Building: Public or Private
6. Convenience Store: Three thousand (3,000) square feet or less.
7. Gas Pumps (accessory to a grocery or convenience store)
8. Golf Course and Country Club
9. Grocery store: Three thousand (3,000) square feet or less.
10. Halfway House and Quasi-Institutional Houses
11. Hospital or Overnight Clinic
12. Kennel, Commercial
13. Offices in Historic Structures
14. Offices: Offices which provide health services such as medical, chiropractic, or dental and certain professional offices which have a low traffic volume such as attorneys or accountants provided such offices maintain the residential character of the neighborhood and zoning where they are located.
15. Recreational Vehicle Park
16. Roller Skating Rink
17. School: Public, private, or parochial
18. Swimming Pool: Public or Commercial
19. Video Tape Rentals and Sales

## **12-8-6 C-1 LIGHT COMMERCIAL DISTRICT**

### **A. PURPOSE:**

The C-1 District is intended to accommodate limited retail and service establishments as a convenience to nearby residential neighborhoods. This zone is designed to be compatible and consistent with the needs and character of a residential neighborhood. Uses such as the sale, service, and repair of motor vehicles, engines, and mobile homes; gasoline service stations and body shops; dancing establishments; the wholesaling and warehousing of merchandise; pet shops; and similar uses are not

permitted in the C-1 zone. Uses which exceed three thousand (3,000) square feet of gross floor area per business require a special use permit after public hearing of the Commission in order to insure that the size of the business does not create undue traffic congestion, noise, or other problems that would be detrimental to the residential character of the surrounding neighborhood.

## B. DEVELOPMENT REQUIREMENTS:

Development standards are provided in Article 14.

## C. C-1 PERMITTED USES:

The following uses are permitted by right in a C-1 District provided the gross floor area of each business does not exceed three thousand (3,000) square. Uses exceeding three thousand (3,000) square feet may be considered for approval by the City Council as a Special Use Permit after a Public Hearing before the Commission held in accord with Article 7 of this Code.

### 1. Permitted Uses--No conditions:

- Apartments
- Arts and Crafts studio
- Bakery
- Barber Shop
- Beauty Parlor
- Bicycle Sales & Service Bookstore & Stationery Shops
- Cigarette & Cigar Shops
- Clinic (excluding animal clinics)
- Coffee Shop & Snack Bar
- Community Bldg. (publicly or privately owned)
- Condominiums Convenience Store Cosmetologist Shop Laundry (self service)
- Lessons (art, dance, music and the like)
- Library
- Meat and Seafood Markets
- Messenger Service
- Newspaper Distribution Office
- Offices: Profession and Business
- Photographic studio
- Video Tape Rentals and Sales
- Townhouses
- Delicatessen
- Dressmaking Shop
- Dry cleaning and Steam cleaning (receiving store)
- Florist Shop
- Gift Shop Grocery Store
- Hobby Shop
- Household Appliance
- Repair Shop
- Knit and Yarn Shops Post Office Prescription Shop Private Club or Lodge Public Park or Playground
- Real Estate Office
- Residences
- Restaurant
- Shoe Repair Shop
- Tailor Shop
- Variety Store (Neighborhood only)

#### D. PERMITTED USES--WITH CONDITIONS:

The following uses are permitted in accord with stated conditions.

1. Child Care Center, Nursery or Similar Use. Play area shall be in accord with State Licensing Requirements and enclosed by a solid wall or fence five (5) feet in height. Parking shall be provided in compliance with Article 12-12-2(B) of this Code.
2. Construction Yard or Building (Temporary Use). Such yard or building shall be removed upon the completion of construction or within three (3) years from date of permit, whichever is sooner. Construction yards and buildings shall be maintained in a neat and orderly fashion and open yards shall be enclosed by a fence of five (5) feet in height. However, there shall be no fence or wall more than three (3) feet in total height above street-curb level located within thirty (30) feet of a street intersection.
3. Church. Only when located on an arterial or collector street designated on the City street plan.
4. Christmas Tree Sales. Temporary, not prior to November 15, provided lots are cleaned and unsold trees are removed by December 31.
5. Firewood Sales. Maximum of ten (10) cords per business stored on site.
6. Retail Sales: Special Merchandise. Retail sales, except as otherwise stated, shall be limited to stores that specialize in a particular type of merchandise such as clothing, records, shoes, home appliances, or other similar convenience goods to serve nearby residential neighborhoods.
7. Shopping Center (less than two (2) acres). Provided a site plan for the entire development is approved.
8. Storage: Incidental to Primary Use. Storage shall be permitted only for merchandise incidental to the primary use of the business. Such storage shall be totally enclosed within the building of primary use, and at least (10%) of the gross floor area shall be used for retail sales or service. Exterior or open storage is prohibited.
9. Swimming Pools. Permitted only when a protective fence four (4) feet in height is provided around the yard, lot, or pool area. The pool shall be no closer than five (5) feet from any property line and approval from all utilities is required to insure overhead safety.

10. Television and Radio Towers and all other Free Standing Towers (Public and Private Use). Towers shall have manufacturer's specifications to withstand a 75 M.P.H. wind and shall be constructed to meet Uniform Building Code standards.

#### E. C-1 SPECIAL USES:

The following uses require a Public Hearing and approval of the City Council after a recommendation by the Commission. Provisions for Special Use Permits are stated in Article 12-5-5 of this Code.

1. Auto Washing Establishment
2. Gas Pumps (accessory to a grocery or convenience store)
3. Gross Floor Area: Exceeding 3,000 Square Feet
4. Golf Course and Country Club
5. Halfway House and Quasi-Institutional Uses
6. Hospital and Overnight Clinic
7. Institution: Public, Educational, Religious and Philanthropic
- B. Package Liquor
9. Recreational Vehicle Park
10. School (public, private, and parochial)
11. Shopping Center (limited to a maximum of five (5) acres)
12. Mobile Home Parks

#### **12-8-7 C-2 PURPOSE**

The intent of the C-2 District is to provide for certain commercial/retail uses which serve both transient and local trade. The district is intended for areas surrounding major arterial or collector streets where a wide range of automobile- related service facilities, convenience goods and personal services are desirable and appropriate as a land use.

#### B. DEVELOPMENT STANDARDS:

Development standards are provided in Article 14.

## C. PERMITTED USES:

### 1. Permitted uses--no conditions:

- Accountant Office
- Advertising Services
- Animal Hospital & Clinic
- Arts & Crafts Studio Auditoriums
- Automobile Parking Lot
- Auto & Camper Sales, Service and Rental
- Automotive Equipment and Rental
- Bakery
- Banking & Financial Institution
- Barber Shop & Beauty Parlor
- Bathhouse or Spa
- Bicycle Sales & Service
- Boat Storage, Sales & Service
- Bookstores and stationery Shops
- Building and other Construction-contractor; office only
- Business Service Establishment
- Butcher Shop & Meat Sales
- Catering
- Chiropractic Office
- Clinic
- Clothing Store & Apparel Shop
- Coffee Shop
- Columbarium
- Community Center or Public Office Building
- Condominiums
- Convenience Store
- Convention or Exhibition Hall
- Country Club
- Dance Hall or Music Academy
- Dentist Office
- Department Shop
- Dressmaking Shop
- Drugstore
- Dry cleaning & Steam cleaning
- Electrical Shop & Electricians
- Farm Machinery
- Farm & Ranch Products & Supplies
- Fast Food Sales including Drive-In Sales
- Firewood Sales
- Florist Shop Food Store
- Frozen Food Locker
- Funeral Home, Mortuary (including crematorium)
- Furniture & Home Furnishing
- Gasoline Pumps
- Gift Shop
- Glass Cutting & Finishing
- Golf Course Grocery Store
- Gymnasium Hardware store
- Heavy Equipment Sales
- Hobby Shop
- Hospital or Overnight Clinic
- Hotel & Motel
- Household Appliance Sales, Service & Repair
- Insurance Services Institutions, Public & Quasi- Public
- Jewelry Manufacturing
- Jewelry Store
- Laboratory (medical, dental, or engineering)
- Laundry (self-service)
- Law Office
- Lessons (art, music, dance, and the like) Liquor Store- Taverns, & Package Sales
- Lumber & Construction
- Materials
- Medical Center
- Microwave Radio Relay Structure
- Mining & Mineral Evacuation Office



- Motion Picture Theater
- Motorcycle Sales & Service
- Newspaper Establishment including distribution office
- Newsstand
- Nursing, Convalescent or Retirement Home
- Paint Sales
- Parking Garage
- Pharmacy
- Physicians Office
- Printing Shops
- Pet Shop or Grooming
- Parlor
- Photographic Studio & Supply Store
- Plant Nursery
- Plumbing & Heating Shop
- Pool & Billiard Room
- Post Office
- Printing & Publishing
- Private Club or Lodge Public Park, Playground and Recreational
- Radio, Television, Music store
- Real Estate Services
- Radio & Television, Broadcasting Studios Restaurant
- Retail Sales
- Roofing & Sheet Metal Shop
- Shoe Repair
- Show & Sales Room for Business Products
- Skating Rink
- Sporting Goods Store
- Steam cleaning Establishment Tailoring
- Taverns & Cocktail Lounges
- Taxicab Transportation
- Telephone Exchange Station
- Telegraph & Messenger Service
- Tire Sales & Service
- Title & Abstracting Services
- Townhouses
- Travel Agency
- Upholstery Shop
- Variety Store
- Video Tape Rentals & Sales
- Warehouse & Storage
- Watch & Clock Sales & Repair

2. Permitted Uses--with conditions. The following C-2 uses are permitted in accordance with stated conditions and upon approval by the Commission:

a. Adult Entertainment Use. Uses such as adult bookstores, adult movie theaters, adult magazine racks, and other adult entertainment as defined in Article 8 of this Code shall be permitted provided such use is located a minimum of three hundred (300) feet from a property line of any: a) school; b) church; c) public park or recreation facility; and d) residential zoning district. There shall be no public display of adult pictures or materials which are visible outside the building. In addition, display of adult picture or materials within a grocery store or book store or other retail or wholesale store shall also be concealed from public view.

b. Amusement Park or Enterprise. Subject to any other provisions and requirements of the Municipal Code. Temporary amusement enterprises are prohibited within three hundred (300) feet of any residential zoning district. Permanent amusement enterprises are prohibited within five hundred (500) feet of any residential zoning district.

- c. Automobile Body and Repair Shop. Not permitted within one hundred (100) feet of any residential district.
- d. Automobile Washing Establishment. Subject to approval of site and related plans, provide for each stall.
- e. Bank Drive-up Windows. Stacking lane(s) of length for maximum projected traffic with a width of twelve (12) feet for each drive-up must be provided and designed to insure that no bank traffic backs onto the street giving access. Banks must be located on a collector or arterial streets as shown on the City Street Plan.
- f. Bowling Alley. Subject to approval of site and related plans. Bowling Alleys are prohibited within three hundred (300) feet of any residential zoning district.
- g. Bus or Motor Freight Terminals. Only when located on a arterial street as designated on the City Street Plan.
- h. Child Care Center, Nursery or Similar Use. Play areas shall be in accord with state licensing requirements and enclosure by a solid wall or fence five (5) feet in height.
- i. Christmas Tree Sales. Temporary not prior to November 15, provided lots are cleaned and unsold trees are removed by December 31.
- j. Church. Only when located on an arterial or collector street as designated on the City Street Plan.
- k. Construction or Contractor's Yard. Yard shall be maintained in a neat and orderly fashion and enclosed by a fence at least six (6) feet in height except that the height shall be limited to three (3) feet above the street-curb within thirty (30) feet of a street intersection.
- l. Drive-In Theater. Subject to approval of site and related plans.
- m. Firewood Sales. No more than twenty (20) cords stored on site.
- n. Furniture Assembly (Accessory Use). Permitted only as an incidental or accessory use to retail sales. Maximum floor area for assembly shall not exceed three thousand (3,000) square feet, not exceed thirty percent (30%) of the total gross floor area. Welding is permitted only in conjunction with repair and shall not be used for the purpose of heavy equipment assembly.

o. Miniature Golf Course. Subject to approval of site and related plans. Not permitted within one hundred (100) feet of any residential district.

p. Mini Storage Units. Units shall not be used for commercial sales of products, merchandise, service or repair.

q. School, Public, Private or Trade. Sites shall be located on an arterial or collector street as shown on the City Street Plan.

r. Shopping Center. Providing site, drainage, and related plans for the entire development are approved.

s. Storage of Wrecked or Dismantled Vehicles and Parts (Accessory Use). The storage of wrecked and dismantled vehicles and parts thereof shall be permitted only as an incidental accessory use to a vehicle repair establishment or a body shop:

1. storage shall be within an enclosed building or within a site-obscuring fence at least six (6) feet in height;

2. vehicles and parts stored at the exterior of the building shall be owned by customers of the business and such storage shall be only for the purpose of repair and return to customers;

3. exterior storage of vehicles shall not remain on the premises for a period exceeding three (3) months;

4. there shall be a maximum of five (5) wrecked vehicles stored at the building exterior during any one time;

5. exterior storage shall be a minimum of one hundred (100) feet from a residential zoning district.

u. Swimming Pools. Permitted only when a protective fence four (4) feet in height is provided around the yard, lot or pool area. The pool shall be no closer than five (5) feet from any property line, and approval from all utilities is required to insure overhead safety.

v. Television and Radio Towers and all other Free Standing Towers (Public and Private Uses). Towers shall have manufacturer's specifications to withstand a 75 M.P.H. wind and shall be constructed to meet Uniform Building Code standards.

w. Welding: (Accessory Use). Welding shall be permitted only as an incidental or accessory use necessary for the repair of vehicles or equipment permitted in the

C-2 zone. Welding uses shall be approved by the Fire Department and shall be in accord with any other provisions of the Municipal Code.

x. Wrecker Services. In accord with storage of wrecked vehicle provisions of Item C-2 (t) of this Section.

#### D. SPECIAL USES FOR C-2 DISTRICT:

The following uses require a Public Hearing and approval of the City Council after recommendation by the Commission.

- Apartments (10 unit minimum) & Townhouses (R-3 Zone Development standards apply)
- Concrete Sales & Ready Mix
- Correctional Facilities & Institutions
- Flea Markets
- Heavy Equipment Repair & Service
- Kennel (Commercial)
- Racetrack Recreational Vehicle Park
- Stadium: Baseball, Football, Soccer or Track
- Mobile Home Park or Subdivision
- Recycling Purchase Center
- Welding Shop

### **12-8-8 M-1 LIGHT INDUSTRIAL DISTRICT**

#### A. PURPOSE:

The M-1 District is intended to accommodate a wide variety of light manufacturing, commercial, processing, storage, packaging, compounding, and wholesaling and distribution operations with no limitations on size. Such uses shall be constructed and operated to insure that there is no excessive noise, vibration, smoke, dust, or other particulate matter, toxic or noxious matter, humidity, heat, or glare, at or beyond any lot line of the parcel on which it is located. Excessive is defined as a degree exceeding that caused in their customary manner of operation by users permitted in the M-1 District, a degree injurious to the public health, safety, welfare or to a degree in which it is a nuisance by reason of excessiveness. Residential uses shall not be permitted except for a resident watchman, caretaker or proprietor of a commercial use.

#### B. DEVELOPMENT REQUIREMENTS:

Development standards are provided in Article 14.

#### C. M-1 PERMITTED USES:

The following uses are permitted by right in the M-1 zone:

1. Permitted Uses--no conditions:

- Animal Hospital & Clinic
- Arts & Crafts Studio
- Auditoriums
- Automobile Repair or Body Shop
- Auto & Camper Sales, Service, and Rental
- Automotive Equipment
- Banking & Financial Institution
- Barber Shop & Beauty Parlor
- Bathhouse
- Bicycle Sales & Service
- Boat Storage, Sales & Service
- Bowling Alley
- Bus Terminal
- Business Service Establishment
- Butcher Shop & Meat Sales
- Clothing Manufacturer
- Coffee Shop
- Commercial or Trade School
- Community or Public Office
- Concrete Sales & Ready Mix
- Convention or Exhibition Hall
- Department Store
- Drugstore
- Dry Cleaning & Steam Cleaning
- Electrical Shop & Electricians
- Farm Machinery
- Farm & Ranch Products & Supplies
- Firewood Sales & Storage
- Food Store
- Freight Warehouse & Dock
- Frozen Food Locker
- Funeral Home, Mortuary (including crematorium)
- Furniture & Home Furnishings
- Gasoline Station
- Glass Cutting & Finishing
- Golf Course
- Grocery Store
- Gymnasium
- Hardware Store
- Heavy Equipment Sales, Service & Repair
- Hotel & Motel
- Household Appliance Sales, Service & Repair
- Laboratory (medical, dental or engineering)
- Law Office
- Lessons (art, music, dance, & the like)
- Liquor Store- Taverns & Package Sales
- Lumber & Construction
- Materials
- Medical Center
- Microwave Radio Relay structure
- Miniature Golf Course
- Mining & Mineral Excavation Office
- Motion Picture Theater
- Motorcycle Sales, Service & Repair
- Motor Freight Terminals
- Newspaper Establishment Including Distribution Office
- Paint Sales Printing Shops Pet Shop
- Photographic Studio & Supply Store
- Plant Nursery
- Plumbing & Heating Shop
- Pool & Billiard Room Printing & Publishing
- Public Park, Playground and Recreational
- Radio & Television Broadcasting Studios
- Restaurant
- Retail Sales
- Roofing & Sheet Metal Shop
- Shoe Repair

- Show & Sales Room for Business Products
- Skating Rink
- Steam Cleaning Establishment
- Taverns & Cocktail Lounges
- Taxicab Transportation
- Telephone Exchange Station
- Telegraph & Messenger Service
- Upholstery Shop
- Warehousing & Storage
- Watch & Clock Sales & Repair
- Welding Shop
- Assembly of: Electronic or Mechanical Parts and Equipment
- Fabrication Shop
- Freight House or Truck Terminal
- Laboratory
- Manufacturing of consumer goods such as: Appliances, Batteries, Furniture, Garments, Tires, Blocks and similar Products.
- Packaging of: Food Products, Cosmetics, Pharmaceuticals, and Toiletries.
- Processing and compounding of Bakery Goods, Candy or Food Products.
- Storage of products: Merchandise, Domestic Goods and Raw Materials.
- Warehousing or wholesale distribution of good Metal work and machine shop.

2. The following M-1 uses are permitted in accordance with stated conditions and approval of the Planning, Zoning, and Land Use Commission:

a. Adult Entertainment Uses. Uses such as adult bookstores, adult movie theaters, adult magazine racks, and adult entertainment as defined in Article 8 of this Code, shall be permitted provided such use is located a minimum of three hundred (300) feet from a property line of any: a) school; b) church; c) public park or recreational facility; and d) residential zoning district. There shall be no public display visible outside of the building. In addition, display of adult pictures or materials within a grocery store, bookstore, or other retail or wholesale store shall also be concealed from public view.

b. Amusement Park or Enterprise. Subject to other provisions and requirements of the Municipal Code. Permanent amusement enterprises are prohibited within five hundred (500) feet of any residential zoning district. Temporary amusement enterprises are prohibited within three hundred (300) feet of a residential zoning district.

c. Automobile Washing Establishment. Subject to approval of site and related plans provided for each stall.

d. Bank Drive-Up Window. Stacking lane(s) length adequate for maximum projected traffic with a width of twelve (12) feet for each drive-up window must be designed to insure that no bank traffic backs onto the street giving access. Banks must be located on a collector or arterial street as shown on the City Street Plan.

e. Body Shop. Buildings shall be located a minimum of three hundred (300) feet from a residential district boundary and shall have Fire Department approval.

f. Construction or Contractor's Yard. Yard shall be maintained in a neat and orderly fashion and enclosed by a fence a minimum of six (6) feet in height. However, there shall be no fence or wall more than three (3) feet in height within thirty (30) feet of a street intersection.

g. Drive-In Theater. Subject to approval of site and related plans.

h. Dwellings: Accessory Use--Proprietor, Resident, watchman or Caretaker Only. Provided such use shall be a single-family dwelling located on the same property as the business.

i. Flea Market. Subject to other requirements of the Municipal Code.

j. Open or Exterior Storage and Display: Merchandise, Materials. Storage or display of materials on the exterior of a building shall be completely enclosed by a fence or wall of solid construction, no less than six (6) feet in height, except for mobile homes, cars, trucks, or motorcycles.

k. Paint Shop. Mixing, Treatment and Spraying. Building shall be located one hundred (100) feet from any residential zoning district and shall have Fire Department Approval.

1. Storage of Wrecked or Dismantled Vehicles and Parts Thereof. The storage of wrecked and dismantled vehicles and parts thereof shall be permitted only as an incidental or accessory use to a vehicle repair establishment or body shop, permitted in the M-1 District. Such use shall be in accordance with the following requirements:

Storage shall be within an enclosed building or within a site obscuring fence at least six (6) feet in height.

2. Vehicles and parts stored at the exterior of a building shall be owned by customers or the business and such storage shall be only for the purpose of repair and return to customers.

3. Exterior storage of vehicle shall not remain on the premises for a period exceeding three (3) months.

4. There shall be a maximum of twenty (20) wrecked vehicles stored at the building exterior during any one time.

5. Exterior storage shall be a minimum of one hundred (100) feet from a residential zoning district.

m. Swimming Pools. Permitted only when a protective fence four (4) feet in height is provided around the yard, lot or pool area. The pool shall be five (5) feet from any property line, and approval from all utilities is required to insure overhead safety.

n. Television and Radio Towers and all other Free Standing Towers (Public or Private Uses). Towers shall have manufacturer's specifications to withstand a 75 M.P.H. wind and shall be constructed to meet Uniform Building Code Standards.

o. Wrecker Services. Provided vehicle storage conforms to Item c-2-(1) of this paragraph.

3. M-1 Special Uses. The following uses require a Public Hearing and approval of the City Council after recommendation by the Commission:

- Asphalt Material Production Plant
- Kennel: Commercial
- Stables: Commercial Sand and Gravel Pit Slaughter or Packing House Racetrack
- Recreational Vehicle Park
- Junk Yard
- Petroleum or Liquefied Petroleum Gas Bulk Plants
- Metal or other used materials, Sales, Recycling, or Purchase Center
- Mobile Home Parks

## **12-8-9 RR RURAL RESIDENTIAL DISTRICT**

### **A. PURPOSE:**

The RR District is a low density semi-rural residential zone comprised primarily of single family site built homes manufactured housing units, and mobile homes.



## B. DEVELOPMENT STANDARDS:

Development standards are provided in Article 14.

## C. RR PERMITTED USES:

The following uses are permitted by right in RR Districts:

- Detached single family dwellings
- Manufactured housing and mobile homes on individual lots or parcels tied down and skirted according to the provisions in Article 11 of the Zoning Code.
- Guest dwellings or accessory living quarters all types of horticulture 4-H and FFA animal raising in accordance with other applicable regulations.
- Keeping of small animals and fowl in accordance with other applicable regulations
- Keeping of large animals in accordance with other applicable regulations
- Recreational courts, including but not limited to, tennis and other similar uses
- Home Occupations subject to Article 12-5-3. Produce stands for agricultural products.
- Greenhouse (commercial or non-commercial), garden sheds, and tool sheds. When detached from the main dwellings, such structures are subject to the provisions of Accessory Buildings, Article 9.
- Private swimming pools five (5) feet from property lines and surrounded with four (4) feet fencing for safety.
- Garage or yard sale or similar use: Three (3) sales are permitted in a one (1) year period at a single address. A sale shall not exceed three (3) consecutive days.
- Recreational Vehicles: Storage of personal recreational vehicles, boats, trailers, or similar uses shall be limited to a maximum of one (1) per dwelling unit in the front or side yard, with no limit in the rear yard, separated at least five (5) feet from any property line.

- Television and Radio Towers and all other Free Standing Towers (Public or Private): Towers shall have manufacturer's specifications to withstand a 75 M.P.H. wind and shall be constructed to meet Uniform Building Code Standards.
- Windmills: Subject to the same construction standards as television and radio towers.
- The sale of agricultural and farm products, nursery stock, poultry, rabbits, chinchillas, fish, frogs, earthworms, and bees.

#### D. RR SPECIAL USES:

The following uses require a public hearing and approval of the City Council:

- Boarding Houses and Rest Homes Cemetery
- Child care Center (Six (6) or more children)
- Church (Ten (10) or more persons)
- Community and publicly owned recreational centers, clubhouses, and similarly used buildings and structures open to the public.
- Mobile Home Parks
- Mobile Home Subdivisions
- Recreational Vehicle Park
- Schools (Primary, Secondary, Private, and Parochial) Veterinary Facilities)

### **12-8-10 RA RURAL AGRICULTURE DISTRICT**

#### A. PURPOSE:

The RA District is intended to protect, stabilize, and enhance the development of agricultural resources and to prohibit development which would detract from the unique open and rural characteristics of the district. Low density single family dwellings, including mobile homes, are permitted along with typical farming, ranching, and related activities.

#### B. DEVELOPMENT STANDARDS:

Development standards are provided in Article 14.

### C. RA PERMITTED USES:

The following uses are permitted by right in RA Districts: Detached single family dwellings Manufactured housing and mobile homes on individual lots or parcels tied down and skirted according to the provisions in Article 11 of this Zoning Code.

- Guest dwellings or accessory living quarters All types of horticulture.
- 4-H and FFA animal raising in accordance with other applicable regulations.
- Keeping of small animals and fowl in accordance with applicable regulations.
- Keeping of large animals in accordance with other applicable regulations.
- Recreational Courts including but not limited to: tennis and other similar uses.
- Home Occupations subject to Article 12-5-3. Produce stands for agricultural products.
- Greenhouse (commercial or non-commercial), garden sheds, and tool sheds. When detached from the main dwellings, such structures are subject to the provisions of Accessory Buildings Article 9.
- Private swimming pools five (5) feet from property lines and surrounded with four (4) feet fencing for safety.
- Garage or Yard Sale or Similar Use. Three (3) sales are permitted in a one (1) year period at a single address. A sale shall not exceed three (3) consecutive days.
- Recreational Vehicles. Storage of personal recreational vehicles, boats, trailers, or similar uses shall be limited to a maximum of one (1) per dwelling unit in the front or side yard, with no limit in the rear yard, separated at least five (5) feet from any property line.
- Television and Radio Towers and all Other Free Standing Towers (Public or Private). Towers shall have manufacturer's specifications to withstand a 75 M.P.H. wind and shall be constructed to meet Uniform Building Code standards.
- Windmills. Subject to the same construction standards as television and radio towers.

- The sale of agricultural and farm products, nursery stock, poultry, rabbits, chinchillas, fish, frogs, earthworms and bees.

#### D. RA SPECIAL USES:

The following uses require a public hearing and approval of the City Council:

- Boarding Houses and Rest Homes.
- Cemetery.
- Child Care Center (Six (6) or more children).
- Church (Ten (10) or more persons).
- School (Primary, Secondary, Private, and Parochial).
- Veterinary Facilities.

### **ARTICLE 9: ACCESSORY BUILDING REQUIREMENTS**

#### **12-9-1      ACCESSORY BUILDING**

A subordinate building, the use of which is incidental to and located with the principal building. An accessory building shall not exceed one-fourth (1/4) of the use or area of the main business or building.

#### **12-9-2      PERMANENT ACCESSORY BUILDING**

Permanent Accessory Buildings and structures shall be permanently attached to a slab or foundation and shall be subject to the following provisions.

A. Height. A maximum height of fifteen (15) feet is permitted.

B. Accessory Use or Structure. A subordinate use or structure customarily incident to and located on the same lot with the principal use or building, and shall not occupy more than thirty percent (30%) of the rear yard.

Accessory use or structure closer than 10 feet from the main use or structure shall meet the minimum setback requirements of its zoning district and shall be reviewed and approved by the Code Enforcement Officer before a certificate of zoning compliance is issued.

### C. Set-back Requirements (All Permitted Zones).

1. Interior lot- no less than 10 feet from main use or structure and 3 feet from property lines on rear and side yards.
2. Lots with more than one street frontage- no less than 10 feet from main use or structure, 3 feet from property line on rear yard (yard without street frontage), shall meet the required setbacks on all frontages in accordance to the zone.

#### **12-9-4 WATER RUN-OFF**

There shall be no water run-off on an adjacent property caused by an accessory building structure. Side gutters may be required if water run-off would otherwise occur.

#### **12-9-5 USE**

An accessory building shall not be used for a business or dwelling purposes.

### **ARTICLE 10: LANDSCAPING STANDARDS**

#### **12-10-1 PURPOSE**

The City of Socorro desires to promote and preserve visually attractive development and to improve the quality of the environment. Therefore, landscaping shall be provided and maintained in the manner set forth in this Article.

The style of landscape is not described; however, indigenous or drought tolerant plants are recommended.

For the purposes of this Article, site is defined as the lot or lots included within the area for which a landscaping plan is submitted, and upon which the landscaping obligations of this article are imposed. The standards presented herein are to be considered the minimum acceptable for landscaping.

#### **12-10-2 APPLICATION OF LANDSCAPING STANDARDS**

##### **A. NEW CONSTRUCTION:**

All new construction within the C-1, C-2, and M-1 zones and all new mobile home parks (MHP) recreational vehicle parks (RVP) and multi-family dwellings shall contain a landscaped area that is equal to not less than fifteen (15%) percent of the required parking areas for the site. The parking area shall include all driveways, access ways,

loading and unloading areas, and sidewalks. Up to one-third (1/3) of the required landscaping may be located in the public right-of-way if approved by the Commission.

**B. ADDITIONS OR STRUCTURAL MODIFICATIONS:**

Additions or structural modifications valued at more than \$50,000 for a site within the C-1, C-2, and M-1 zones or within an existing MHP, RVP, or multi-family dwelling complex shall include landscaping improvements which bring the site in compliance with this Article by providing a landscaped area that is equal to not less than fifteen (15%) percent of the required parking area for the site. The parking area shall include all driveways, access ways, loading and unloading areas, and sidewalks. Up to one-third (1/3) of the required landscaping may be located in the public right-of-way if approved by the Commission. Buildings which are to be structurally modified upon sites which do not contain sufficient area for landscaping may be exempted from there requirements after and approval by the Commission.

**12-10-3 LANDSCAPING REQUIREMENTS**

Landscaping shall consist of the use of ground covers, shrubs and trees which are further described below.

**A. GROUND COVERS:**

Ground covers means grass, low shrubs, or flowers but does not include asphalt, concrete, or bare soil which is exposed and untreated. Gravel, decorative stone, or bark mulch shall also be considered as acceptable ground cover if used in combination with grass, shrubs, flowers, and trees. A minimum of one hundred (100) square feet of ground cover shall be provided for every one thousand (1,000) square feet of required landscaped area.

**B. SHRUBS:**

Shrubs must be a minimum "two and a half gallon" size utilized by plant nurseries and should be approximately one foot in height and one foot in width at the time of planting. A minimum of twenty (20) live shrubs shall be provided for every one thousand (1,000) square feet of required landscaped area.

**C. TREES:**

Trees must be of the deciduous or coniferous types and must have a minimum diameter of two (2) inches at the time of planting. A multi-trunk tree shall have no less than three (3) trunks each of which is at least one (1) inch in diameter. A minimum of (1) live tree shall be provided for every one thousand (1,000) square feet of required landscaped area.

#### D. SUBSTITUTION OF PLANT MATERIALS:

Variations from the minimums defined above will be considered in review of a landscaping plan by the Commission if the proposed landscaping is environmentally sound and aesthetically pleasing.

#### **12-10-4      LOCATIONAL CRITERIA**

Landscaping shall be installed in accordance with the following guidelines:

##### A. YARD LOCATION:

1. Of the total area required to be landscaped, at one-half (1/2) shall be located within the front yard.
2. On corner, double fronting, or triple fronting lots, at least one-fourth of the required landscaped area shall be located on each frontage.

##### B. PARKING LOTS:

All new parking lots in excess of one hundred (100) spaces shall include one tree in addition to the minimum required above for every twenty (20) parking spaces to provide shade and visual relief. Covered parking areas are exempted from this requirement.

#### **12-10-5      LANDSCAPE SCREENING**

Landscape screening shall be opaque from the ground to a height of at least eight (8) feet.

##### A. SITES IN C-1, C-2, AND M-1 ZONES:

Sites in C-1, C-2, and M-1 zones which are contiguous with residential zones shall be required to include a landscaped screen on that perimeter contiguous to the residential zone.

##### B. MULTI-FAMILY DWELLINGS:

Multi-family dwellings shall be required to include a landscaped screen on that perimeter contiguous to single family housing.

## **12-10-6 IRRIGATION AND MAINTENANCE**

An automatic or manual irrigation system shall be provided for any landscaping or screening installed in compliance with this Article. The irrigation system shall be adequate to properly irrigate the landscaping at maturity. The owner of the landscaped property shall be responsible to maintain landscaping or screening in a healthy, neat, and clean condition. Dead plant material shall be replaced with new plant material immediately.

All landscaped and screen areas shall be controlled by pruning or trimming so as to not interfere with the installation, maintenance, or repair of any public utility, restrict pedestrian or vehicular traffic, nor constitute a traffic hazard.

## **12-10-7 CLEAR SIGHT TRIANGLE**

Plant materials shall not exceed three (3) feet in height at maturity within the clear-sight triangle. Planted materials adjacent to the clear-sight triangle which grow over or obstruct vision above the allowable three (3) feet height within the clear-sight triangle shall not be permitted.

## **12-10-8 LANDSCAPING PLAN**

A landscaping plan is required as a part of the application for all special use permits and for those developments or improvements which meet those criteria stated in Article 12-10-2.

Each landscaping plan shall indicate the type, size, and location of landscaping along with existing and proposed topography and proposed irrigation system. The scale of the landscaping plan shall be as recommended by the Code Enforcement Officer. No zoning permit or certificate shall be approved by the City of Socorro for those developments requiring a landscaping plan unless said plan is reviewed and approved as part of the application process.

# **ARTICLE 11: MANUFACTURED HOMES, MOBILE HOMES, MOBILE HOME PARKS, MOBILE HOME SUBDIVISIONS, RECREATIONAL VEHICLE PARKS, TRAILERS AND BOATS**

## **12-11-1 PURPOSE AND INTENT**

The purpose of this section is to present minimum standards for the installation of manufactured homes and mobile home in appropriate zones. This section also presents standards for Mobile Home Parks and Subdivisions and RV Parks within the City of Socorro.



The City of Socorro encourages the installation of well-constructed aesthetically pleasing manufactured or mobile homes in the zones in which they are permitted. The City realizes that most such installations will be more or less permanent, and provide a permanent housing source for residents for the City. Therefore, this Article attempts to create the proper standards for manufactured and mobile home installation which are pleasing to the eye and lend to the improvement and safety of the overall community.

## **12-11-2 MANUFACTURED HOMES**

Pursuant to Section 3-21A-3 New Mexico State Statutes 1978, as amended, manufactured housing which conforms to the definition included in Article 15 of this Code shall be permitted in those zones and under those conditions as permitted for single family site built housing. Manufactured housing shall be constructed according to the Housing and Urban Development Zone Code II or the Uniform Building Code and shall not be modified or altered subsequent to initial construction but prior to placement in the City of Socorro. Manufactured housing shall only be allowed within the Historic Zone if it is consistent with the standards established in this Code for that zone.

## **12-11-3 MOBILE HOMES**

### **A. ZONE RESTRICTIONS:**

Mobile homes are permissible within the City of Socorro in accordance with the zoning and permit requirements summarized in the following table:

#### **Mobile Home Categories:**

MH	Mobile Home (placed on individual lots)
MHP	Mobile Home Park
MHS	Mobile Home Subdivision
RVP	Recreational Vehicle Park

#### **Zoning Categories:**

Z	Permitted by right
C	Conditional Use Permit Required
S	Special Use Permit Required
N	Not Permitted

# MOBILE HOME ZONING SUMMARY

ZONE	MH	MHP	MHS	RVP
R-1	N	N	N	N
R-2	N	N	S	N
R-3	N	S	C	S
R-4	Z	Z	Z	S
RA	Z	N	N	N
RR	Z	S	S	S
C-1	N	S	N	S
C-2	N	S	S	S
M-1	N	S	N	S

## B. DEVELOPMENT REQUIREMENTS:

Development standards are provided in Article 14.

## C. ZONING COMPLIANCE PERMIT REQUIRED:

A Certificate of Zoning Compliance must be obtained from the Code Enforcement Officer before placement of a MH within the City Limits of Socorro. Permit application forms are furnished by the Code Enforcement Officer.

## D. GENERAL CONDITIONS:

All mobile homes within the City of Socorro are required to be mounted and tied down in conformance with applicable state regulations and must meet the following requirements. Specific details may be obtained from the Code Enforcement Officer.

1. Wheels to be Removed. Since MH's are more or less permanent housing units, the City requires that the wheels of the MH's if present, shall be removed during the installation process.
2. Non-Exposure of Undercarriage. MH undercarriages, if present, shall be concealed by either:
  - a. An appropriate, non-flammable skirting approved by the appropriate state or local inspecting authority and installed in accordance with the 1985 Manufactured Housing Act of the State of New Mexico.
  - b. Entrenching the home to a depth equal to the height of the undercarriage. Any such entrenching shall have provisions for drainage approved by the appropriate state or local inspecting authority.

c. Concealment of the undercarriage must be completed within sixty (60) days of placement of the unit.

3. Damaged Units. The City will not allow damaged units to be installed within the City limits of Socorro. In the event the Code Enforcement Officer determines that an MH is damaged or not of appropriate exterior quality for placement with the City, then the zoning compliance permit shall not be approved, unless repair to the unit is made as part of the permit application, to be completed before the final inspection.

4. Steps. All MH's units shall have permanent steps affixed to all exits.

5. Maintenance. All manufactured housing units existing within the City limits shall be properly maintained. The properties shall meet all existing City Codes related to proper appearances and maintenance of buildings and properties.

6. Standards. All MH shall be constructed according to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401, et. seq., or carry other state approval.

#### E. OTHER CONSTRUCTED IMPROVEMENTS:

All porches, patios, permanent steps, accessory buildings, additions to a manufactured housing unit and any other constructed improvements shall be required to comply with Uniform Building Code.

All other requirements not covered herein shall be as required by the State of New Mexico Manufactured Housing Act and Regulations.

### **12-11-4 MOBILE HOME PARKS (MHP'S)**

A special use permit is required in R-3, R-R, C-1, C-2 zones for all MHP developments. The permits are intended to provide for the development of mobile home parks at standards consistent with the health, safety and welfare of the community. MHP's are permitted by right in R-4 zone. Special use permits must be acquired in accordance with Article 5 of this Code. MHP's are not permitted within R-1, R-2, RA Zones.

#### B. DEVELOPMENT REQUIREMENTS:

Development requirements are provided in Article 14. A site plan, landscaping plan, and a drainage plan must be approved by the City for any MHP.

### C. DESIGN STANDARDS:

1. Swimming pools are permitted only when a protective fence four (4) feet in height is provided around the yard, lot, or pool area. The pool shall be no closer than five (5) feet from any property line or mobile home space boundary, and approval from all utilities is required to insure overhead safety. All gates in fences shall be self-closing and equipped with self-latching devices.
2. All mobile homes shall have perimeter walls or fences that are at least six (6) feet in height and visually obscuring. The fence or wall shall be modified as necessary to provide clear-site triangles and shall be approved by the City.
3. All mobile home parks shall have a landscape concept, which conforms to the landscaping requirements included in Article 10 of this Code. The concept shall be approved by the City for all areas not devoted to structures, streets, alleys, drives, walks, and paths.
4. Walls, fences, and hedges shall conform to Article 13. A clear-sight triangle of twenty (20) feet in both directions from the corner of internal streets and from the entrance to each mobile home space is required. A clear-sight triangle of at least thirty (30) feet is required at all MHP entrances and exits.
5. Utility placement shall be approved by the City and shall conform to all applicable codes and standards.
6. A paved or concrete patio of not less than one hundred (100) square feet adjacent to each unit foundation is required.
7. Open Space: A minimum of thirty-three (33%) percent of each mobile home space shall be preserved as open space.

### D. STREETS AND ACCESS STANDARDS:

1. All MHP's shall have vehicular access from an arterial or collector street.
2. Each mobile home space when occupied shall have direct access to an internal street. Direct access to exterior public streets shall be prohibited.
3. Street layout shall be designed for preservation of natural features and to follow topography to the greatest extent possible and to encourage the orientation of mobile homes in such a manner as to permit the use of solar energy systems.

4. No street within a mobile home park shall dead-end except for cul-de-sac streets, which shall have a minimum turning radius of fifty (50) feet at the termination point.
5. There shall be a network of pedestrian walks connecting mobile home spaces with each other and with MHP facilities.
6. Private driveways for each mobile home space shall be designed for ease of access, privacy, and safety.
7. All spaces and streets shall be drawn to insure drainage.
8. Street lighting shall be provided to illuminate all private and public access ways and walkways for the safe movement of vehicles and pedestrians at night.
9. Parking shall conform to Article 12-12-2(A).

#### E. REFUSE:

The management of a mobile home park shall provide adequate refuse collection facilities. These collection facilities shall be constructed and maintained in accordance with all municipal health regulations, shall be properly screened, and shall be designed to bar animals from access to refuse. Refuse shall be removed from collection sites at least once a week.

#### F. STORAGE:

Each mobile home space shall have a personal storage unit. such storage unit shall have a minimum capacity of three hundred (300) cubic feet and shall have a capacity no greater than six hundred (600) cubic feet. Each storage unit shall be anchored permanently to the ground and shall have a rigid floor surface.

#### G. UTILITIES:

All utility placements shall be approved by the City and shall meet all applicable codes and standards.

#### H. COMPLIANCE OF EXISTING MHP:

All MHP existing at the date of adoption of this zone ordinance shall be brought into compliance with the standards included in this Article within three (3) years after the date of adoption unless a specific variance from a standard is granted by the Commission.

## **12-11-5 MOBILE HOME SUBDIVISIONS (MHS)**

### **A. PURPOSE:**

A conditional use permit is required for MHS in R-3 Zones and a special use permit is required for MHS in R-2, RR and C-2 Zones. The permits are intended to provide for the development of such subdivision at standards consistent with the health, safety, and welfare of the community. MHS's are permitted by right in R-4 Zones. Conditional and special use permits must be acquired in accordance with Article 5 of this Code. MHS are not permitted within R-1, RA, C-1 or M-1 Zones.

### **B. DEVELOPMENT REQUIREMENTS:**

Development Standards are provided in Article 14. Subdivisions must meet all applicable provisions of the Municipal Subdivision Regulations. A site plan, landscaping plan, and a drainage plan must be approved by the City for any MHS.

### **C. MHS STREET ORIENTATION:**

Street layout shall be designed for preservation of natural features and to follow topography to the greatest extent possible and to encourage the orientation of mobile homes in such a manner as to permit the use of solar energy systems.

### **D. UTILITIES:**

All utility placements shall be approved by the City and shall conform to all applicable codes and standards.

### **E. LANDSCAPING:**

A landscaping concept which conforms to the landscaping requirements included in Article 10 of this Code shall be provided. The concept shall be approved by the City and shall be required for all areas not devoted to structures, streets, alleys, drives, walks and paths.

### **F. GARDENS:**

Gardens non-commercial nurseries and green houses are permitted in MRS's provided:

1. Such uses are private and non-commercial; and
2. Greenhouses meet setback requirements for Accessory Buildings.

## **12-11-6 RECREATIONAL VEHICLE PARK (RVP)**

A special use permit is required for all RVP developments and is intended to provide for the development of recreational vehicle parks at standards consistent with the health, safety, and welfare of the community. Recreational Vehicle Parks are permitted by Special Use in R-3, R-4, RR, C-1, C-2, and M-1 Zones. RVP's are not permitted in R-1, R-2, or RA Zones.

### **B. DEVELOPMENT REQUIREMENTS:**

Development standards are provided in Article 14. A site plan, landscaping plan, and a drainage plan must be approved by the City for any RVP.

### **C. DESIGN STANDARDS:**

1. Swimming pools are permitted only when a protective fence four (4) feet in height is provided around the yard, lot, or pool area. The pool shall be no closer than five (5) feet from any property line or mobile home space boundary, and approval from all utilities is required to insure overhead safety. All gates and fences shall be self-closing and equipped with self-latching devices.
2. A landscaping concept in conformance with the landscaping standards included in Article 10 of this Code shall be implemented for all areas not covered by structures or paved.
3. All Recreational Vehicle Parks shall have perimeter wall or fences that are at least six (6) feet in height and visually obscuring. The fence or wall shall be modified as necessary to provide clear site triangles as described previously.
4. There shall be an active, usable recreational area for tenants comprising five percent (5%) of the gross site area, which shall not include required setback areas or similar areas not usable for recreational activities.
5. There shall be a community building or buildings which shall provide for the needs of occupants of the recreational vehicle park. It shall include restrooms, showers, and a laundry. The community building or buildings may not be included as part of the required recreational area.
6. Adequate refuse collection facilities shall be provided, constructed, and maintained in accordance with all municipal health regulations, and shall be screened and designed to bar animals from access to refuse. Refuse shall be removed from collection sites at least once a week.

7. Lighting shall be provided to illuminate access ways and walkways for the safe movement of vehicles and pedestrians at night.

8. A means for emptying sewage holding tanks shall be provided; the facility shall be approved by the appropriate governmental authority.

#### D. STREETS AND ACCESS STANDARDS:

1. All RVP's shall have vehicular access from an arterial or collector street.

2. Each RV spaces when occupied shall have direct access to an internal street. Direct access to exterior public streets shall be prohibited.

3. A clear-sight triangle of twenty (20) feet in both directions from the corner of internal streets and from the entrance of each RV space is required. A clear-sight triangle of at least thirty (30) feet is required from all RVP entrances and exits.

4. Street layout shall be designed for preservation of natural features and to follow topography to the greatest extent possible and to encourage the orientation of mobile homes in such a manner as to permit the use of solar energy systems.

5. No street within a recreational vehicle park shall dead end, except for cul-de-sac streets, which shall have a minimum turning radius of fifty (50) feet at the termination point.

6. Private driveways shall be designed to insure proper drainage.

7. All spaces and streets shall be designed to insure proper drainage.

8. One space for automobile parking shall be provided for each RV space.

#### E. UTILITIES:

All utility placements shall be approved by the City and shall conform to applicable codes and standards.

#### F. CODE ENFORCEMENT OFFICER:

It shall be the right and the duty of the Code Enforcement Officer of the City of Socorro to impose all design standards for Recreational Vehicle Parks in accordance with Standards for Recreational Vehicle Parks and Campgrounds, latest edition, as published by the National Fire Protection Association and the Recreational Vehicle Industry Association.



#### G. COMPLIANCE OF EXISTING RVP:

All RVP existing at the date of adoption of this Zoning Ordinance shall be brought into compliance with the standards included in this Article within three (3) years after the date of adoption unless a specific variance from a standard is granted by the Commission.

### **12-11-7 RECREATIONAL VEHICLES, BOATS, CAMPING AND TRAVEL TRAILERS AND TRUCK CAMPERS AND DWELLINGS**

Recreational vehicles, boats, camping and travel trailers, and truck campers shall not be used as permanent dwellings or immobile living quarters. Utility connections except for temporary electrical service are permitted for said units only within recreational vehicle parks (RVP's) and mobile home parks (MHP's). The use of said units or other temporary living quarters shall not exceed six months at a single location and shall be restricted to RVP's, MH's, or on a lot upon which a permanent dwelling is being constructed.

An extension to the six month limitation may be considered by the Code Enforcement Officer upon receipt and review of a request for such extension.

## **ARTICLE 12: PARKING REQUIREMENTS**

### **12-12-1 PURPOSE**

Parking requirements shall be based on the use or type of business. Uses not specified herein shall follow the parking requirements within the category most appropriate to that use. Off-street parking is permissible in all front yards except as otherwise specified. Number of spaces shall be rounded to the nearest whole number. All parking shall be provided on the same lot as the structure served, except as otherwise allowed in this Code.

### **12-12-2 SPACE CRITERIA**

#### A. RESIDENTIAL AND LODGING USES:

1. One-Family and Two-Family Dwellings. Two off-street parking spaces per dwelling unit shall be provided. One third (1/3) of any part of a front yard of a dwelling may be used for parking, except in cases of a cul-de-sac where two thirds (2/3) of a front yard is permissible, and on existing fifty (50) foot lots where twenty (20) foot width parking is permissible.

2. Multi-Family Dwellings (Three (3) or More Units). One and one half (1 1/2) spaces per dwelling unit shall be provided, except for one bedroom units for

which one (1) space is required per unit within complexes of more than four (4) units.

3. Boarding Houses, Bed and Breakfast Inns and Similar Uses. Two (2) spaces in addition to one (1) space for each guest room.

4. Hotels and Motels. One (1) space for each guest room in addition to requirements for auxiliary uses such as restaurants or shops.

## B. OFFICES AND PERSONAL SERVICE ESTABLISHMENTS

1. Professional Services. (Medical and dental offices, barbers, hairdressers, and similar uses). One (1) space for each two hundred and fifty (250) feet of gross floor area.

2. Small Office Establishment. (Law, accounting, engineering, and real estate offices). Two (2) spaces plus one (1) space for each three hundred (300) square feet of gross floor area.

3. Large Business Office. (Banks, telephone, electric companies, and other similar offices). One (1) space for each company-owned vehicle, in addition to one (1) space for each three hundred (300) square feet of gross floor area.

4. Low Volume service Establishment. (Dry cleaning, equipment rentals, small and large item repair shops and similar uses). One (1) space for each three hundred (300) square feet of floor space.

5. High Volume Service Establishment. (Coin-operated laundry). One (1) space for each two hundred fifty (250) square feet of floor area.

6. Drive-In Bank. One (1) space for each full-time employee plus stacking lane requirements stated in Item B (9) below for each drive-in window.

7. Child Care Center, Institutional Home, Nursery and Similar Use. One (1) space per employee per shift in addition to one (1) space for each ten (10) children of maximum occupancy.

8. Funeral Homes. One (1) space for each fifty (50) square feet of floor area in funeral service and slumber room. Parking Lane(s) shall be provided, fifteen (15) feet in width, and total length of one hundred (100) feet.

9. Drive-Up Window Service Establishment. Establishments having drive-up window services shall provide lane(s) twelve (12) feet in width, with a total

length appropriate to the projected maximum waiting traffic count, and all service traffic and parking shall be maintained off-street.

#### C. RETAIL ESTABLISHMENTS:

1. Large Volume Retail Sales. (Large volume retail sales of small domestic products and groceries, and shopping centers). One (1) space for each two hundred (200) square feet of gross floor area.

2. Small Volume Retail Sales. (Small volume retail sales of domestic products and specialized products such as plumbing, electrical and hardware stores, furniture, shoes, parts store, cabinet stores, carpet stores, clothing and shoe stores and similar businesses). Three (3) spaces, plus one (1) space for each three hundred (300) square feet of gross floor area.

3. Retail Sales of Vehicles, Heavy Equipment, and other Large Products. (Automobile, boats, mobile home and recreational vehicle sales, farm equipment and similar businesses). One (1) space for each company vehicle, in addition to one (1) space for each three hundred fifty (350) square feet of gross interior floor area, or five (5) spaces, plus one (1) space for each employee, whichever is greater.

4. Storage Areas in Retail Businesses. When a building used for retail sales has an area larger than twenty (20%) percent of its gross floor area, being used specifically for storage of produces sold within the store, eighty percent (80%) of the total area used for storage may be subtracted from the gross floor area used for off-street parking computations.

#### D. RESTAURANTS AND ENTERTAINMENT ESTABLISHMENTS:

1. Food and Beverage Establishments. (Restaurants, cafes, bars and lounges, coffee shops, donut shops, and similar uses). One (1) space for each one hundred (100) square feet of gross floor area, in addition to one (1) space for each two (2) employees on the maximum shift. One (1) space is required for each two hundred (200) square feet of outdoor patio area. Drive-Up window establishments are required to provide lane(s), twelve (12') feet in width with a total length appropriate to the maximum traffic count.

2. Entertainment and Amusement Enterprise. (Auditoriums, theaters, sports arenas, dance halls, private clubs and lodges, meeting halls, skating rinks, and similar uses). One (1) space for each one hundred (100) square feet of gross floor area, in addition to one (1) space for each employee on the maximum shift.

3. Court or Alley Entertainment. (Uses which involve courts and alleys such as tennis courts, handball courts, basketball courts, bowling alleys, and similar uses. Four (4) spaces for each court or alley in addition to one (1) space for each employee on the maximum shift.

#### E. SCHOOLS, CHURCHES, COMMUNITY CENTERS AND HOSPITALS:

1. Schools. High schools and junior high schools must provide one (1) space for each two hundred fifty (250) square feet of floor area, including seventy percent (70%) of the area used for gymnasiums and auditoriums. Elementary schools must provide one (1) space for each classroom, plus one (1) space for each employee on the maximum shift.

2. Community Buildings, Libraries, Museums, Administration Buildings, Art Galleries and Centers. One (1) space for two hundred fifty (250) square feet of floor area.

3. Hospitals and Nursing Homes. One (1) space for each two (2) beds, in addition to one (1) space for each employee on the maximum shift.

4. Churches. One space for each four seats at maximum occupancy in the principal assembly room.

#### F. INDUSTRY, MANUFACTURING, WAREHOUSE, AND WHOLESALE ESTABLISHMENTS.

1. Production Line Industries. (Industries and businesses employing large numbers of office and production workers). One (1) space per maximum number of employees per shift, plus one (1) space for each company-owned truck/vehicle, in addition to one (1) visitor space for each one thousand (1,000) square feet of floor area, up to twenty thousand (20,000) square feet.

2. Warehouses. (Facilities for which the primary use is storage and requires few employees). One (1) space for each employee, plus one (1) space for each two thousand (2,000) square feet of floor area up to thirty thousand (30,000) square feet, plus one (1) space for all company-owned trucks and vehicles. Spaces for company trucks and vehicles shall be sized as necessary.

3. Wholesale Establishments. (The primary use of which is wholesale sales). One (1) space for each five hundred (500) square feet of floor area.

4. Storage Areas. One (1) space for each one thousand (1,000) square feet of floor area.

### **12-12-3 PARKING SPACE FOR THE HANDICAPPED**

The minimum number of designated parking spaces for other than one and two family dwellings is as follows:

<u>Total Spaces in Parking Lot</u>	<u>Minimum Designated Handicapped Parking Spaces</u>
0-25	1
26-35	2
36-50	3
51-100	4
101-300	8
more than 300	8+1 for each additional 50

The designated parking spaces shall be located so as to provide the most convenient access to entryways or to the nearest curb cut. Establishments which cater to the elderly, ill or handicapped shall provide sufficient additional parking spaces for the handicapped to adequately meet the maximum need.

### **12-12-4 LOADING SPACE REQUIREMENTS**

Loading space shall be provided for appropriate uses to accommodate the specific needs for a business, as determined by the Code Enforcement Officer.

### **12-12-5 ENLARGEMENT OF EXISTING BUSINESS OR USE**

Whenever an existing building or use is enlarged to the extent of thirty percent (30%) or more of the existing floor area, the entire building shall then and thereafter comply with the parking requirements set forth herein. Whenever a building is enlarged in floor area less than thirty percent (30%) of the existing floor area, additional spaces shall be provided upon the basis of only the enlargement.

### **12-12-6 JOINT USE OF PARKING AREAS**

When it can be established that two (2) businesses located on adjacent property operate at different hours, parking requirements may be shared jointly according to the maximum parking requirements of the two (2) properties, provided there is a written agreement thereby assuring retention for such purposes and stating hours of operation. The agreement shall be properly executed by the owners of both properties, and approved as to content and form by the City Attorney and Commission and filed with the application for a zoning compliance permit.

### **12-12-7 SIZE OF PARKING SPACES**

A parking space must provide ingress and egress to a public street without moving any other automobile. Ingress and egress to an alley is permissible only for a single family or duplex dwelling. All other parking must ingress and egress to a public street.

Parking spaces shall be provided according to the following criteria:

Parking Angle	Stall Width	Stall Base	Stall Depth	Width of Aisle	
				1-Way Traffic	2-Way Traffic
45	9'	14'	21'	13'	24'
60	9'	12'	22'	18'	24'
90	9'	9'	19'	27'	27'
Parallel Parking	9'	9'	22'	12'	24'

### **12-12-8 PARKING PLAN APPROVAL**

Detailed plans for on-street or off-street parking and drive-way openings shall be submitted to the Code Enforcement Officer for approval prior to construction. All curb cuts require approval from the Code Enforcement Officer.

### **12-12-9 CONSTRUCTION STANDARDS**

All parking spaces and areas provided under the provisions of this Code, excepting those serving single family residences, shall:

- A. be paved with base coarse, asphalt or concrete as approved by the Code Enforcement Officer,
- B. afford adequate drainage. A drainage plan will be required for major developments, including parking, as determined by the Code Enforcement Officer, and said plan must be approved by the Commission prior to issuance of a zoning compliance permit,
- C. have bumper guards where needed,
- D. be provided with necessary space and aisle safety markings,
- E. landscaping shall be provided for parking spaces and areas in compliance with the provisions of this Code.

Parking spaces for single family residences shall meet the review standards of the Code Enforcement Officer.

## **ARTICLE 13: SIGN, WALL AND FENCE REQUIREMENTS**

### **12-13-1 PURPOSE**

The purpose of this Article is to allow signs, wall and fences to be erected in such a manner as to not obstruct free and clear vision and create traffic hazards. It is also intended to regulate size in specific areas as to not create blighted areas throughout the City. Walls and fences are allowed to permit security, privacy, and aesthetic improvement. Walls and fences are regulated, however, so as to not create traffic hazards.

### **12-13-2 GENERAL SIGN REGULATIONS**

A. Illuminations: Sign illumination shall not flash, blink, vary in intensity, revolve or otherwise appear to be in motion. Sign illumination shall be indirect with the source of the light concealed from direct view.

B. Location: No sign shall be erected or maintained on or over public property except as specifically authorized by the Code Enforcement Officer for:

1. Wall signs projecting over a front property line, where the building wall is less than one foot (1) from the property line.
2. Temporary signs as authorized by the Code Enforcement Officer.

C. Safety:

1. No signs shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.
2. No sign or other advertising structure as regulated by this Code shall be erected along any streets in such a manner as to obstruct free and clear vision and create a traffic hazard.
3. Signs shall not be located with less than six feet (6') horizontal not twelve feet (12') vertical clearance from overhead electric conductors.
4. No sign shall have movable parts or audible devices.

5. Sight Triangle. There shall be no free-standing sign more than three (3) feet in height above street curb level within the clear sight triangle, measured thirty (30) feet in both directions on the property line from the corner, or in the clear sight triangle for primary entry and exit of a commercial property.

### **12-13-3 SPECIFIC SIGN REGULATIONS BY TYPE**

A. Home Occupation Sign: A sign that identifies trade or services conducted within a residence:

1. The sign shall not exceed two (2) square feet in area.
2. The sign shall not be illuminated.
3. The sign shall be attached to the dwelling.
4. Only one sign shall be allowed per dwelling unit.

B. Building, Sale or Rental Sign: A sign for identification, sale, or rental of an apartment, dwelling unit. Temporary signs such as those used for the sale or rent of real estate are discussed under 12-13-3.

1. The sign shall not exceed twenty (20) square feet in area or five feet (5') in height.
2. Each sign may be illuminated.
3. The sign may be free standing or wall mounted.
4. This sign must be located within the lot lines excluding easements.

C. Trade and Services Sign: A sign located on private property that advertises, identifies or directs towards a use conducted on the same premises.

1. The total aggregate of all faces or signs or combinations of signs allowed for the property on which the use is located shall not exceed one hundred fifty (150) square feet of sign area except as stated herein.
2. Business fronting on more than one street will be allowed an additional sign area equal to fifty percent (50%) of the sign area on the main street frontage.
3. The height of a free standing sign shall not exceed twenty six feet (26'). A sign mounted or attached to a building may not extend more than two feet (2') above the building height.



4. Not more than two (2) signs are permitted with street frontages of sixty feet (60') or less. Not more than four (4) signs are permitted on any lot regardless of size. A Composite of small signs integrated into one framed unit shall constitute one sign.

5. Trade and services oriented toward interstate highway traffic and which are located within three hundred feet (300') of the termination of the interstate highway access control line at any on or off-ramp shall be permitted one free-standing business sign consisting of one name and/or emblem which shall not be included in the computation of total allowable sign area specified, but shall be included as one of the maximum number of signs allowed per business provided:

a. such sign shall not exceed a total of one hundred fifty (150) square feet in the area per side.

b. the height of such sign shall not exceed a maximum of twenty six feet (26') above ground level.

6. On-premises signs directing customer traffic to a specific services area shall be allowed in excess of the number and square footage limitations, provided the aggregate area does not exceed twenty (20) square feet.

7. Axle-mounted or other similar portable signs are permissible for trade and service sign use. The aggregate of portable and other signs on a single private property shall not exceed the maximum number of signs and maximum square footage allowable elsewhere in this section. Portable signs shall not be located within six (6) feet of the nearest street right-of-way or driveway entrance and shall not violate the clear-sight triangle requirements stated elsewhere in this Article.

8. Trade and services signs greater than one hundred twenty eight (128) square feet must be approved by the City Council prior to erection and shall be considered a special use in any zone.

D. Advertising Sign: A sign located on vacant private property.

1. The total area of each face or side of such signs shall not exceed seventy-two (72) square feet. Signs may be placed back to back.

2. The maximum height of the sign shall not exceed fifteen feet (15').

3. No sign shall be nearer than seventy five feet (75') to any adjacent conforming residential property or within twelve feet (12') of the nearest street right of way.

E. Billboard: Billboards as defined in Article 14 must be approved by the City Council prior to erection and shall be considered as a special use in any zone.

F. Temporary signs.

1. Signs containing the message that the real estate on which the signs are located shall not exceed six (6) square feet in area. They shall be removed within 1 week after sale, lease, or rental.

2. Construction site identification signs shall not exceed 32 square feet in area. Such signs will be removed within 7 days after final occupancy.

3. Signs erected in connection to elections or political campaigns shall not exceed 20 square feet in surface area. Such signs may not be erected more than 45 days prior to the election and shall be removed within 7 days following the election or conclusion of the campaign.

4. Temporary signs not covered in the above categories must meet the following:

a. no more than one sign per lot

b. no sign may exceed 4 square feet in surface area

c. no sign may be displayed for longer than 3 consecutive days

d. no signs shall be on public R.O.W. (Rights-of-Ways or easements.)

G. Sign Removal: Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, lot or structure upon which such sign may be found.

#### **12-13-4 SIGN PERMIT**

Permits are not required for signs except billboards and trade and service signs greater than one hundred twenty eight (128) square feet. The Code Enforcement Officer shall have the right to inspect all signs for compliance with this Code and shall recommend to the City Council for action any sign that does not meet the requirements of this Article.

## **12-13-5     ALTERATION OF NONCONFORMING SIGNS**

Any nonconforming sign that exceeds the height, size, or spacing limitations stated herein or is nonconforming in some other way shall not be altered or modified unless said modifications bring it into compliance with this ordinance.

## **12-13-6     FENCE AND WALL REQUIREMENTS**

### **A. HEIGHT:**

1. Residential. An eight (8) foot maximum height fence above ground surface level shall be permitted on any part of a yard, provided such fence is in accord with Paragraph #3 below.
2. Commercial or Industrial. An eight (8) foot maximum height fence above ground shall be permitted on any part of a yard, provided such fence is in accord with Paragraph #3 below.
3. There shall be no fence, wall or obstruction more than three (3) feet above street curb level within the clear sight triangle, measured thirty (30) feet in both directions on the property line from a street corner, or in the clear sight triangle for entry and exit of off-street parking area which provides space for more than two (2) vehicles.
4. A wall retaining four (4) or more feet of soil must be designed and stamped (signed) by a Professional Engineer, registered in the State of New Mexico.

### **B. EXCLUSION FROM PUBLIC RIGHT-OF-WAY:**

No wall or fence shall be permitted in a public right-of-way.

### **C. WALL AND FENCE FOR SWIMMING POOLS:**

All swimming pools or yards in which swimming pools are located shall be completely enclosed by a wall or fence at least four (4) feet in height.

### **D. BARED WIRE FENCE:**

1. Security Fences. Barbed wire is not permitted except when located at least six (6) feet above the highest adjacent ground surface.
2. Other. Barbed wire fence, other than security fence, described above, is permissible only in RA and RR zones.

#### E. ELECTRICAL FIELD FENCE:

Electrical field fence is permissible only in RA and RR zones and shall be only utilized for livestock fence.

#### F. EXCEPTIONS:

1. Tennis Courts may have walls or fences a maximum of sixteen (16) feet in height, provided they shall be located in the side or rear yard and shall be seven feet (7') from any property line.
2. A minimum of six (6) foot high visually obscuring fence or wall shall be required at the perimeter of mobile home parks and recreational vehicle parks, except as otherwise prohibited in the clear sight triangle.

### ARTICLE 14: DEVELOPMENT STANDARDS

#### 12-14-1 GENERAL DEVELOPMENT STANDARDS

All lots, tracts, buildings and structures in the City shall be developed in accordance with this Article and other related provisions of this Code. All development standards of this Code shall apply to each lot, tract, or parcel independent of all other lots, tracts, or parcels.

#### 12-14-2 STANDARDS FOR ZONING

ZONE	Yards: Minimum FRONT DEPTH	Yards: Minimum REAR DEPTH	Yards: Minimum SIDE WIDTH
R-1	25'	25'	10'
R-2	20'	20'	5' or 0*
R-3	20'	15'	5' or 0*
R-4	20'	15'	5' or 0*
C-1	20'	15'	5' or 0*
C-2	15'	15'	5' or 0*
M-1	15'	15'	5' or 0*
RA	40'	40'	20'
RR	25'	25'	10'

\* As permissible per Articles 12-14-3 and 12-14-4

ZONE	Lots: Minimum Area**	Lots: Minimum Width	Height Maximum
R-1	8,000 square feet	70'	26'
R-2	6,000 square feet	60'	26'
Single Family			
R-2	2,500 square feet/ unit	60'	35'
Multiple Family*			
R-3	5,000 square feet	50'	35'
Single Family			
R-3	1,250 square feet/ unit	50'	35'
Multiple Family			
R-4	5,000 square feet	50'	26'
Single Family			
R-4	1,250 square feet/ unit	50'	35'
Multiple Family			
C-1	5,000 square feet	50'	35'
C-2	5,000 square feet	60'	35'
RA	3 acres	100'	35'
RR	1/2 acre	100'	26'

\* Minimum Lot Area for Multiple Family Dwellings is the same for a Single Family Dwelling within the same zone.

\*\* If a lot is not served by the municipal wastewater collection system, Environment Department minimum lot area requirements shall apply.

### **12-14-3 RESIDENTIAL DISTRICTS: ADDITIONAL PROVISIONS AND EXCEPTIONS**

The following provisions shall apply to all development in a residential zoning district:

#### **A. SETBACK EXCEPTIONS:**

1. A minimum side yard setback of zero (0) feet in a residential district only, providing all the following requirements are met:
  - a. The setbacks are authorized by the City Council as part an approved development.
  - b. There shall be no less than ten (10) feet, including roof overhang, between structures, excepting approved condominium and townhouse developments with common wall construction.

2. The minimum set back distance shall be maintained for both fronts yards of a corner lot. A lesser setback for one front yard of a triple frontage lot shall be considered upon application for variance to the Commission.
3. New dwellings may be erected as close to a front property line as the average distance established by existing dwellings on that side of the block, provided the lots on the same side of the block are fifty (50) percent developed.
4. An addition to a main dwelling shall be permitted as an extension of existing building lines which have non-conforming setbacks. Setbacks for such addition shall be the same as the main dwelling.
5. There shall be a minimum setback of seven and one-half (7 1/2) feet for two story buildings.
6. There shall be a minimum setback of one (1) foot for each foot in height of any building, other than a single or two family dwelling, abutting an R-1 or R-2 zone.

#### B. FRONT-YARD PARKING:

Parking areas shall not cover one-third (1/3) of any open area between the front of a dwelling and the front property line; except in cases of a cul-de-sac, two-thirds (2/3) of a front yard can be used; and on existing lots less than fifty (50) feet, a twenty (20) foot parking area is permitted. Townhouses and apartment lots may use three-fourths (3/4) of the front yard for parking.

#### C. MINIMUM DISTANCE BETWEEN STRUCTURES:

There shall be no less than ten (10) feet between buildings or structures located on the same lot, tract, or parcel.

#### D. EASEMENT ENCROACHMENTS:

There shall be no permanent structures located on easements without written approval of the City Council.

### **12-14-4 COMMERCIAL AND MANUFACTURING DISTRICTS: ADDITIONAL PROVISIONS AND EXCEPTIONS**

The following provisions shall apply to all development in a commercial or manufacturing district:

#### A. SETBACK EXCEPTIONS:

1. A zero (0) foot side yard shall be permitted only when: a) a building on the abutting side is at least five (5) feet from the property line; or b) both buildings share a common wall on the side property line; or c) when the abutting property is undeveloped. Otherwise a five (5) foot setback is required.
2. There shall be a minimum setback of one (1) foot for each foot in height of any building abutting a residential zoning district. There shall be at least a minimum distance of thirty (30) feet maintained between any residential dwelling and any commercial or industrial structure.
3. There shall be a minimum setback of seven and one-half (7 1/2) feet for two story buildings.

#### B. MINIMUM DISTANCE BETWEEN STRUCTURES:

There shall be no less than ten (10) feet between buildings or structures located on the same lot, tract, or parcel.

#### C. PRIVATE STREETS:

All non-dedicated streets or private drives shall be a minimum of twenty four (24) feet in width.

### **12-14-5 MOBILE HOME PARKS (MHP'S), MOBILE HOME SUBDIVISIONS (MRS'S) AND RECREATIONAL VEHICLE PARKS (RVP'S): ADDITIONAL PROVISIONS AND EXCEPTIONS**

The following provisions shall apply to all MHP's, MRS's and RVP's:

#### A. STANDARDS:

	Minimum Development Area	Minimum Space Area	Maximum Density/ Acre	Maximum Height
MHP	2 acres	3,000 sq. ft.	12	26'
MHS	5 acres	6,000 sq. ft.	6	26'
R-2 Zone				
Other Zones	5 acres	5,000 sq. ft.	8	26'
RVP	2 acres	1,250 sq. ft.	20	26'

	Lots or Spaces Minimum Width	MH to MH	Minimum Distances	
			MH to Main Bldg.	MH to Accessory Bldg.
MHP	30'	14'	15'	10'
MHS	50'	20'	20'	10'
R-2 Zone				
Other Zones	50'	15'	15'	10'
RVP	20'	15'	15'	10'

	Yards Minimum Front Depth	Yards Minimum Rear Depth	Set Backs	
			Yards Minimum Side Width*	
MHP	15'	10'	10'	
MHS	20'	20'	(main entrance side)	5'
R-2 Zone			(non-entrance side)	
Other Zones	20'	15'	5'	
RVP	15'	10'	5'	

\* Whichever is greater of minimum distances between MH and other structure or minimum side width shall govern

#### B. STORAGE UNITS:

Storage Units with a minimum volume of 300 cu. ft. and a maximum volume of 600 cu. ft. are required for each MHL. Such storage units may be placed adjacent to the MH or on the setback line.

#### C. MOBILE HOME PARKS (MHP'S): PERMISSIBLE DWELLINGS

Permissible dwellings within MHP's are mobile homes (MH's), trailers, or recreational vehicles.

#### D. PRIVATE STREETS:

Non-Dedicated streets or private drives within a MHP, MHS or RVP shall be a minimum of twenty-eight (28) feet in surface width not including curb and gutter if installed. Streets shall be paved with asphalt, concrete, double penetration chip seal, or other appropriate surface as approved by the City.



#### E. EASEMENT ENCROACHMENTS:

Structures, mobile home spaces, or recreational vehicle spaces shall not be located within easements without written approval of the City Council.

#### **12-14-6 LANDSCAPING AND EROSION CONTROL: ALL ZONING DISTRICTS**

The landscaping standards stated in Article 10 of this Code shall apply to most developments and improvements. For those developments not subject to the landscaping standards stated in Article 10, properties shall either be maintained in their natural vegetative state or, if disturbed, yard grass or other measures shall be taken to control water and wind erosion.

#### **12-14-7 HEIGHT EXCEPTIONS**

##### A. SPIRES, BELFRIES, TOWERS, AND SIMILAR STRUCTURES:

Such use may be constructed in any zone to a height ten (10) feet above that permitted by right.

##### B. TELEVISION, RADIO, AND OTHER FREE STANDING TOWERS:

Towers shall meet manufacturer's specifications and withstand 75 M.P.H. winds. Towers must conform to Uniform Building Code Standards.

#### **12-14-8 DRAINAGE, GRADING AND SITE PLANS**

Drainage, grading, and site plans shall be required for all developments over one (1) acre or as otherwise required in this Code. The Code Enforcement Officer will require that the plans and associated information be prepared by a registered civil engineer.

On-site retention of all drainage created by a development may be required by the City Council upon recommendation by the Code Enforcement Officer and the Commission.

#### **12-14-9 DEVELOPMENT IN FLOOD HAZARD AREAS**

All development in flood hazard areas as designated on the City of Socorro Special Flood Hazard Area Boundary Maps or as otherwise designated by the Code Enforcement Officer shall conform to the requirements for Flood Hazard as stated in the Municipal Code ("Flood Damage Prevention Ordinance No. FEMA 88-03-A1.") The Code Enforcement Officer shall require building pads and related construction to be raised or filled above the flooding danger level. The Code Enforcement Officer shall also issue flood hazard development permits and shall maintain all records for public inspection and purchase of copies.

## **ARTICLE 15: CITY OF SOCORRO- OUTDOOR LIGHTING**

### **12-15-1 PURPOSE**

The Article is intended to permit adequate lighting and promote public safety by encouraging the use of outdoor artificial illuminating devices which do not have a detrimental effect on astronomical observations resulting from the emission of undesirable light rays into the night sky. All outdoor lighting installations shall conform to the provisions of this Article and all other related codes of the City of Socorro, specifically the Uniform Building Code (U.B.C.), amended, and shall require permit and inspection.

### **12-15-2 APPROVED MATERIAL AND METHODS OF INSTALLATION**

The provisions of this Article are not intended to prevent the use of any material or method of installation not specifically prescribed by this Code, provided any such alternate has been approved. The Code Enforcement Officer may approve any such alternate provided he finds that the proposed design, material or method is:

- A. Satisfactory and complies with the intent of the Article, or
- B. Provides approximate equivalence to those specific requirements of this Article.

### **12-15-3 DEFINITIONS**

#### **1. Outdoor Light Fixtures:**

Outdoor artificial illuminating devices, outdoor fixtures, lamps and other devices, permanent or portable used for illumination or advertisement. Such devices shall include, but are not limited to search, spot, or flood lights for:

- a. Building and structures
- b. Recreational areas
- c. Parking lot lighting
- d. Landscape lighting
- e. Billboards and other signage (advertising or other)
- f. Street lighting

#### **2. Exempt Artificial Illuminating Devices:**

Outdoor light emitting sources which because of their permanent location, type, or size are exempted in Table A, or are listed as excluded in Section 12-6-B - Permanent Exemptions shall be considered exempt from all requirements of Article 16.

3. Individual:

Shall mean any private individual, tenant, lessee, owner, or any commercial entity including but not limited to: companies, partnerships, joint ventures or corporations.

4. Installed:

Shall mean the initial installation of outdoor light fixture defined herein, following the effective date of this Article but shall not apply to those outdoor light fixtures installed prior to this date. Any installation of outdoor lighting fixtures shall be subjected to an Electrical Permit and/or a Building Permit and conform to the Uniform Building Code and/or the National Electric Code.

## **12-15-4 GENERAL REQUIREMENTS**

1. Shielding:

All exterior illuminating devices, except those exempt from this ordinance, and those regulated by Section Y - Prohibition shall be fully or partially shielded as required in Table A.

a. Fully Shielded shall mean that those fixtures shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

b. Partially Shielded shall mean that those fixtures shall be mounted in such a manner that the uppermost edge of the shield is below the plane center line of the light source (lamp), minimizing light above the horizontal.

2. Low Pressure Sodium:

Low pressure sodium lamps with shielding are strongly recommended for general use within the City of Socorro.

CODE REQUIREMENTS FOR SHIELDING AND FILTERING  
TABLE A

FIXTURE LAMP TYPE	SHIELDED	FILTERED *4
Low Pressure Sodium *1	Partially	None
High Pressure Sodium	Fully	None
Metal Halide *6	Fully	Yes
Fluorescent	Fully *5	Yes *2
Quartz *3	Fully	None
Incandescent (greater than 150 w.)	Fully	None
Mercury Vapor	Fully	Yes
Fossil Fuel	None	None
Glass Tubes filled with Neon, Argon, Krypton	None	None
Other Sources	AS APPROVED BY PLANNING STAFF	

Footnotes-Table A

\*1 The preferred light source to minimize undesirable light into the night sky affecting astronomical observations.

\*2 Warm White and Natural Lamps are preferred to minimize adverse effects.

\*3 For the purposes of this Article, quartz lamps shall not be considered an incandescent light source.

\*4 Most glass, acrylic, or translucent enclosures satisfy these filter requirements.

\*5 outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within; do not require shielding.

\*6 Metal halide display lighting shall not be used for security lighting after 11 p.m. (or after closing hours if before 11 p.m.) unless fully shielded, metal halide lamps shall be in enclosed luminaries.

## **12-15-5 SUBMISSION OF PLANS & EVIDENCE OF COMPLIANCE**

The applicant for Building Permit involving outdoor artificial illuminating devices, outdoor fixtures, lamps and other devices shall submit (as part of the application for permit) evidence of compliance with the ordinance. The submission may contain but not be limited to the following:

1. Plans indicating location and type of illuminating devices, fixtures, lamps, other devices, etc.
2. A description of the illuminating devices, outdoor fixtures, lamps and other devices. This description may include Manufacturers Specifications, Catalog Descriptions, and Drawings.

The above indicated plans and description shall be complete enough to indicate to the plans examiner compliance with the requirements of this Article.

If devices, fixtures or lamps are submitted which are by their nature or configuration difficult to determine whether compliance exists, the applicant shall submit evidence of compliance by certified test reports as performed by recognized testing lab.

Should outside light fixtures or lamps be substituted after the permit has been issued, a change must be submitted for approval to the local jurisdiction with adequate information to assure compliance with this Code.

## **12-15-6 PROHIBITIONS**

### **1. Searchlights:**

The operation of searchlights for advertising purposes within the City of Socorro is prohibited between 11 p.m. and 6 a.m. the following morning.

### **2. Recreational Facility:**

No outdoor recreational facility, (public or private), shall be illuminated by non-conforming means after 11 p.m. unless a specific recreational or sporting event or any other activity conducted at a ball park, outdoor amphitheater, arena, or similar facility was in progress prior to 11 p.m.

### **3. Outdoor Building or Landscaping Illumination:**

The unshielded outdoor illumination of any building, landscaping, signing or other purpose, is prohibited except with incandescent fixtures less than 150 watts.

## **12-15-7      TEMPORARY EXEMPTIONS**

### **1. Request for Temporary Exemption**

Any individual as defined herein may submit a written request on a form prepared by the Planning Department to the Code Enforcement Officer, for a “temporary exemption” to the requirements of this Code, such exemption shall contain minimally the following listed information:

- a. Specific exemption requested
- b. Type and use of exterior light involved
- c. Duration of time for requested exemption
- d. Type of lamp and calculated lumens
- e. Total wattage of lamp or lamps
- f. Proposed location of exterior light
- g. Previous temporary exemptions, if any
- h. Physical size of exterior light and type of shielding provided.

In addition to the above data, the Code Enforcement Officer may request any additional information which would enable the City Council to make a reasonable evaluation of the Request for Temporary Exemption.

## **12-15-8      PERMANENT EXEMPTIONS**

### **1. Non-Conformance:**

All outdoor light fixtures existing and fully installed prior to the effective date of the Code may remain 'non-conforming' indefinitely.

### **2. Fossil Fuel Light:**

Produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels.

### 3. Federal & State Facilities:

Those facilities and lands owned, operated and protected by the U.S. Federal Government or the State of New Mexico are exempted by law from all requirements of this Article. Voluntary compliance with the intent of this Article at those facilities is encouraged.

## **12-15-9 CONFLICT WITH OTHER CODES**

Where any provision of any of the New Mexico State statutes, or any of the federal law, or any companion ordinance within the City of Socorro comparatively conflicts with the requirements of the Article, the most restrictive shall govern.

## **ARTICLE 16: DEFINITIONS**

For the purpose of this Code, the following definitions shall apply:

Accessory Building or Use. A subordinate building or use, the use of which is incidental to and customarily found in connection with the main building or use, and located on the same lot with the main building or use. An accessory use shall not exceed one fourth (1/4) of the use or area of the main business or building.

Adult Entertainment Facility. Any use, such as adult bookstore, adult movie theater, adult magazine racks, which has books, materials, movies, illustrations, or other activities which depict sexual or erotic behavior.

Alley. A public through fare which affords only a secondary means of access to abutting property. An alley is not to be used for through traffic or as primary access to a property.

Apartment. A dwelling unit used exclusively for lease or rent as a residence.

Arterial Street. A street which accommodates large volumes of comparatively high speed traffic from one area of the City to another.

Attached. Any structure or building having a common wall with another structure or building.

Bed and Breakfast Inn. A dwelling, other than a hotel, motel, tourist facility or boarding house, in which lodging or boarding is offered to the public for compensation and where food is available for those who are resident. A Bed and Breakfast Inn shall offer short-term tourist oriented lodging to the public whereas a boarding house shall offer more permanent lodging to a non-tourist clientele.

Billboard. A freestanding pole sign at least one hundred twenty eight (128) square feet in size, and eight (8) feet above the ground surface which advertises or directs attention to a business product, service, or event, not appurtenant to the use(s) of the property on which it is located.

Block. Property bounded on one side by a street, railroad, right-of-way, waterway, un-subdivided areas, or other definite boundaries.

Boarding House. A dwelling, other than a hotel, motel, tourist facility, or bed and breakfast inn, where, for compensation and by pre-arrangement, food and/or lodging are provided for five (5) or more persons, eighteen (18) years of age older, unrelated by blood or marriage, including sorority and fraternity houses.

Body Shop. A shop where vehicle exteriors are replaced and reconditioned. Waxing, pre-fabrication, stripping, or similar activity shall not be considered body work.

Building. Any structure having a roof supported by columns or walls for the shelter or enclosure of persons or property.

Building Area. The area of a lot that is or may be occupied by buildings or structures pursuant to the requirement of this Code.

Building Height Of. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

Building Depth. The depth of the lot remaining to be built upon after the required front and rear yards are provided.

Building Width. The width of the lot remaining to be built upon after the required side yards are provided.

Child Care Center. A commercial or publicly-sponsored establishment for the day or night care of more than six (6) individuals under the age of eighteen (18), not to include a half-way house.

Church. A church shall be defined as any religious, non-profit organization with a membership of more than ten (10) persons. Any secular commercial use associated with a church that involves the sale of merchandise shall be subject to the requirements of the Zoning Code pertaining to that use, and shall not be considered as a church use for the purpose of this Code.



Clear-Sight Triangle. An area of unobstructed vision at street intersections, exits, or entrances over three (3) feet above the finished grade of the street at the street corner which is bounded by:

- a. The front street and side street lines of a corner lot and a line connecting points thirty (30) feet distance from the intersection of the property line of such lot.
- b. The curb line of an intersection and a line connecting points forty (40) feet distance from the corner of the intersection.

Clinic. An establishment where patients are not lodged overnight, but are admitted for examination or treatment by a physician, chiropractor, dentist, optometrist, or group that is practicing together. As used in this Code, clinic does not refer to a veterinarian clinic.

Club. Buildings and facilities owned or operated by a corporation, association, person or persons for a social, intellectual, educational, or recreational purpose, but not for profit; includes lodge.

Collector Street. A street which carries moderate volumes of traffic from local or minor residential streets to arterial streets and highways, and is labeled as a major street in the City Street Plan.

Conditional Use. A use that is considered compatible to a permitted use and is described as conditional in specific zones in Article 8 of this Code. A conditional use shall limit and/or restrict those uses which would otherwise be permitted by right within a zone.

Condominium. A residential, professional, commercial, official, or industrial development, in which each unit is owned individually, whether the unit includes air space, walls, floors, or any combination thereof, and in which other areas and facilities within the development are owned and maintained jointly by a group, association or corporate entity. Ground beneath each unit is owned in common by the group, association, or corporate entity.

Convenience Store. A retail sales establishment dealing primarily in groceries and sundry items which is typically open approximately sixteen (16) hours per day, seven (7) days per week.

Cul-de-Sac. A minor street with one outlet, the end of which provides a circular turnaround.

Dedicated Easement. A public easement that is dedicated for public use and is recorded as such in the office of the County Clerk. (See definition of Easement)

Detached. A unit, building, or structure that is apart or separate from another.

District. Any zone of the City of Socorro within which certain zoning and land use requirements are specified and are uniform, and which is designated on the Zoning Map.

Duplex. A building arranged, intended or designed to be occupied by two families living independently of each other and having separate cooking facilities in each dwelling unit.

Dwelling. A building or unit thereof designed and used exclusively for residential occupancy.

Dwelling (Single-Family). A dwelling designed for and occupied exclusively by one family.

Dwelling (Two-Family). A building or buildings designed for two families occupying separate, attached or detached living units.

Dwelling (Multiple-Family). A building or buildings designed for three (3) or more families occupying separate, attached or detached living units.

Easement. A non-possessing interest held by one person, party, or entity in land of another, whereby that person is accorded particular use of such land for a specific use and enjoyment of his land. (See Dedicated Easement).

Family. Person(s) related by blood or marriage, or a group of not more than five (5) persons who need not be related by blood or marriage, living together as a single housekeeping unit in a dwelling.

Flea or Open Market. An open air market in which spaces are rented or leased for the purpose of selling second-hand articles and home crafts.

Floor Area. The gross square feet of a floor area within a building or portion thereof. For the purpose of this Code, floor area and gross floor area shall be the same, and shall be based on the outside dimensions of a building as shown on a plot plan, and shall include interior balconies, mezzanines, stairwells, storage areas, mechanical equipment areas and basements.

Frontage. Property on one (1) side of a street measured along the line of the street.

Garage, Private. An accessory building designed or used for the storage of not more than three (3) motor driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one (1) of the vehicles may be a commercial motor vehicle of not more than two (2) tons capacity.

Garage, Public. A building, or portion thereof, other than a private or storage garage designed or used for servicing, repairing, equipping, hiring, selling or storing motor driven vehicles.

Garage Storage. A building or portion thereof designed or used exclusively for housing four (4) or more motor driven vehicles.

Gasoline Station or Service Station. A business where the primary use is to sell motor vehicle fuels at retail prices.

Grade. The lowest point of elevation of the finished surface of the ground, paving, sidewalk within the area between the building and property line or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

Ground Surface Level. Ground surface level is that surface of a yard, which directly abuts a wall, fence, building, or structure, or the average grade level, whichever is most appropriate.

Halfway House. A residential facility located in a structure or dwelling or any living unit thereof designed, used, or intended to be used as human habitation, the principal use or goal of recovery or counseling from any physical, mental, emotional, penal, or legal infirmity in a family setting as part of a group rehabilitation or recovery program.

Historic District. A geographically and culturally distinct area within the City of Socorro which is documented as dating from a particular significant period in history of the City and is associated with outstanding historical personages, events and/or an architectural style.

Home Occupation. Any occupation or profession carried on by a member of a family residing on the premises, in connection with there used no sign other than one (1) non-illuminated name plate attached to the building entrance which is not more than two square feet (2 sq. ft.) in area; provided, that no commodity is sold upon the premises, except that which is prepared upon the premises; provided, that no person is employed other than a member of the immediate family residing on the premises; provided, that no mechanical equipment is installed or used except such that is normally used for domestic or household purposes. A home occupation shall be required to obtain an annual occupation license from the City of Socorro. The use of the dwelling unit for the home occupation shall clearly be incidental and subordinate to its use for residential

purposes, and not more than fifteen percent (15%) of the floor area, not to exceed five hundred (500) square feet, shall be used in the conduct of home business.

Hotel. A building in which lodging or boarding is offered to the public and in which room assignments are made for compensation and in which entrance to and exit from all rooms is made through an inside lobby or office supervised by a person in charge at all times.

Impervious Surface Area. That the ground area of a lot, tract, or parcel that is not penetrable by water, to include, but not limited to buildings, structures, pavement, sidewalks, and certain land covers for landscaping.

Junk Yard. The use of a premises of any size for the storage, handling, dismantling, wrecking, keeping, or sale of wrecked or discarded automobiles and/or other vehicles and parts thereof, or for the storage of wood, plastic, fiber, or any other tangible scrap materials.

Kennel, Commercial. Any premises on which eight (8) or more dogs, and/or eight (8) or more cats, four (4) months of age or older, are kept; and/or where the business of buying, selling, breeding, training, or boarding of dogs and/or cats is conducted; does not include veterinary hospitals, humane societies, or animal shelters or pounds approved by a governmental agency.

Kennel, Private (Residential). Any premises on which more than two (2) dogs or two (2) cats, or any combination thereof in excess of two (2) animals, but not more than seven (7) in number, four (4) months of age or older are kept, and where the business of buying, selling, breeding, training, or boarding of dogs and/or cats is not carried on for primary business purposes.

Landmark Site. A site which has been determined to be historically significant and worthy of preservation.

Less Restrictive District or Zone. A district in which the uses, requirements and developments standards are predominantly less intensive or are limited to a lesser extent than other districts. For example R-3 is less restrictive than R-1.

Lot. A portion of a legally platted subdivision that is shown as a lot, tract, or parcel of land and held in separate ownership, as shown on the record of the County Assessor. A legal lot is a parcel that has been divided in accordance with present or past zoning and subdivision requirements.

Lot, Corner. A lot abutting upon two or more streets at their intersection.

Lot, Depth. The mean horizontal distance between the front and rear lot lines.

Lot, Triple Frontage. A lot fronting on three (3) streets.

Lot, Interior. A lot other than a corner lot.

Lot of Record. A legal lot, tract, or parcel, the map or deed of which has been recorded in the office of the County Clerk of Socorro County prior to the effective date of this Code.

Lot Width. The width of a lot at the front property line.

Lot Splits. The subdivision or division of a lot, tract or parcel of land into separate lots, tracts or parcels.

Lumber Yards. A business enterprise or storage facility the primary purpose of which is the sale or storage of lumber in large quantities.

Main Building. The primary building or buildings on a lot used for any use.

Manufactured Housing. A manufactured home or modular home that is a single-family dwelling with a heated area of at least thirty-six (36) by twenty four (24) feet and at least eight hundred sixty four (864) square feet, constructed in a factory to the standards of the United States Department of Housing and Urban Development (HUD), the National Manufactured Housing Construction and Safety standards of 1974 (42 U.S.C. 5401 et seq.) and the Housing and Urban Development Zone Code II, or the Uniform Building Code (UBC), as amended to the date of the unit's construction, and installed consistent with the Manufactured Housing Act (Chapter 60, Article 14 NMSA 1978), with the regulations made pursuant thereto, relating to ground level installation and ground anchors.

Mini-Storage Unit. A mini-storage unit shall be construed as small storage units, each used for the sole purpose of domestic storage for individuals and strictly prohibiting the use for a business activity.

Mobile Home (MH). A movable or portable housing structure larger than forty feet in body length, eight feet in width or eleven feet in overall height, designed for and occupied by no more than one family for living and sleeping purposes, but does not include structures built to the standards of any municipal building code or other technical code.

Mobile Home Lot (MHL). A privately owned parcel of land within a Mobile Home Subdivision, including required yards, parking area, attached and/or detached accessory buildings and open spaces, use or intended to be used for setting up one (1) mobile

home. MHL's are the subdivided parcel of Mobile Home Subdivisions and can be sold, fee simple, to prospective owners.

Mobile Home Park (MHP). A privately owned tract of land at least two (2) acres in size and in which mobile home and trailer spaces may be rented or leased for long-term residential use. It is also known as a Mobile Home Court or Trailer Court.

Mobile Home Space (MHSP). A parcel of land within a Mobile Home Park rented or intended to be rented to prospective renters by the owner. MHSP's include required yards, parking yards, parking areas, attached and/or detached accessory buildings, open spaces and utilities.

Mobile Home Subdivision (MHS). A tract of land at least three (3) acres in size, subdivided into mobile home lots designed for long-term residential use, with public streets and utilities for mobile homes.

More Restrictive District Zone. A district in which the uses requirements, and development standards are predominantly more intensive or are limited to a greater extent than other districts. For example and R-1 district is more restrictive than a R-3 district.

Motel (Motor Court, Motor Hotel, Motor Lodge). A building or buildings in which lodging and/or boarding are offered to the public for compensation, and which has separate entrance to the exterior from each unit with at least one parking space for each unit.

Non-Conforming Use. The use of land or a building, or a portion thereof, which does not conform to the current land use regulations of the zoning district in which it is located.

Nuisance. The use of property or land which creates unusual, unnecessary or undue problems or situations for persons in the vicinity that would not have normally occurred otherwise.

Off-Site Manufactured Home. A mobile home (MH), modular home or manufactured home.

Open Space. That area of a lot, tract or parcel not devoted to any building or structure.

Parking Lot. A parcel of land devoted to unenclosed parking spaces.

Parking Space. A surfaced area, enclosed or unenclosed sufficient in size to store one (1) automobile, together with a surfaced driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

Permanent Accessory Building. A building or structure which is permanently attached to a slab or foundation, the use of which is clearly incidental to the main building and which is located on the same lot. An accessory building shall not be used for a business or dwelling.

Porch. A roofed patio entrance or exit area, open on at least one (1) side.

Professional Office. The office of a physician, dentist, attorney, accountant, or similarly trained persons that have a low traffic volume.

Property Line. The official boundary of a parcel, lot or tract of land as designated by either a metes and bounds description or subdivision plat filed in the records and maps of the County Clerk.

Public Right-of-Way. Land area deeded, reserved or otherwise acquired by the City, the County or the State of New Mexico for public use or any other public entity.

Quasi-Institutional House (Same as Halfway House) Recreational Vehicle (RV).

A. Travel trailers, camping trailers, fifth-wheel trailers, and all other vehicles that are constructed to include a chassis, integral wheels and a towing hitch, and are primarily designed or constructed to provide temporary, readily moveable living quarters for recreation, camping or travel uses.

B. Pickup campers, either mounted or non-mounted, or any structure designed to be mounted in the bed of a truck and providing living quarters for recreation, camping to travel uses.

C. Chassis mount, motor home, mini-motor home or other recreational structure or vehicles constructed integrally with a truck or motor van chassis and incapable of being separated there from, and designed to be used for moveable living quarters for recreational, camping or travel uses.

D. Recreational vans or converted and chopped vans or other vehicles which are either initially constructed or converted to contain living quarters for recreational, camping, or travel uses.

Recreational Vehicle Park (Camper Park). A facility, at least two (2) acres in size, designed to accommodate overnight parking of recreational vehicles, campers, and travel trailers.

Registered Building or Structure. A building or structure which has been officially designated as an historic site on the National Register of Historic Places or the New Mexico Register of Cultural Properties.

Residence, single family. A single detached building containing one dwelling unit located on a lot with no other dwelling units.

Residence, Multi-Family. A building containing three or more dwelling units.

Residence, Duplex. A building containing two dwellings units which share a common wall.

Residential Street. A street of relatively short length and width that provides direct access to a limited number of abutting residential properties, and is designed to discourage its use for through traffic, designated as a local street in the City Street Plan.

Roof. An overhead structure used for protection or shielding from the sun, rain, or other elements of weather.

School, Commercial. A school, conservatory, or business operated for a profit which is not approved by the state as a kindergarten, elementary, or secondary school, and where the primary function is instruction or teaching.

Screening and Buffering. The use of walls, thick shrubbery or similar materials to minimize the potentially adverse impact of one land use on another.

Special Use. A specific land use of unusual character or potentially incompatible in an area and which requires City Council approval for its use on one specific parcel of land, such use being subject to a particular set of conditions as approved in accordance with the provisions of this Code, and not permitted by right in a zoning district.

Spot Zoning. The singling out of a lot or small area for a zoning change which is out of the harmony with the comprehensive plan and surrounding land to secure special benefits for a particular property owner without regard for the rights of land owners.

Story. A single-level area between a floor and its ceiling, excluding all subterranean building area.

Street, Public. A public thoroughfare which affords the principal means of access to abutting property.

Street, Private. A private roadway which affords the traffic circulation within a development or parcel of land, and gives access to apartments, townhouses, condominiums, offices or businesses.

Street, Curb Level. A level measured from street surface to the top of an abutting curb.



Street Line. The outer most boundary or property line of a street surface or the top of an abutting curb.

Structure. Anything constructed or erected between the ground and the sky, the use of which requires permanent location on the ground or attachment to something having permanent location on the ground.

Structural Alterations. Any change in the supporting members of a building, such bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Temporary Accessory Building. A building or structure which is not attached permanently to a foundation, the use of which is clearly incidental to the main building and which is located on the same lot. An accessory building shall not be used for a business or dwelling.

Thoroughfare. A road giving public access to a property or parcel of land.

Total Height. The distance between the ground surface level of a building or structure and the highest point of the structure.

Tower. A vertical structure whose principal function is to support an antenna.

Townhouse. Any single-family dwelling unit, including the land underneath, designed to be sold (fee simple) as a unit, but forming one of a group or series of two (2) or more attached dwellings separated from one another by common property lines, but limited to a maximum of ten (10) attached units in one group.

Trailer (House-Type). Any movable or portable housing structure which does not conform to the definition of a recreational vehicle or to the minimum size requirements for a mobile home.

Usable Open Space. Open space within a lot, tract, parcel or development site excluding areas devoted to roadways and parking. At least one half (1/2) of all areas designated as useable open space must have a slope of less than ten percent (10%).

Unit. When used in connection with residential zoning, a dwelling designed for and occupied exclusively by one family.

Use. The purpose for which land or building are arranged, designed, maintained or occupied.

Warehouse. A building used primarily for storage of products or wares, in conjunction with retail stores, not including accessory uses, such as storerooms or stockrooms. Mini

storage or self- storage of household goods and similar uses shall not be construed as a warehouse use.

Yard. The space on a lot unobstructed by buildings from the ground to the sky, including sidewalks, driveways, patios, and other ground level surfaces.

Yard (Rear). The required yard between a rear property line and a building structure.

Yard (Front). The required yard between the front property line and a building or structure.

Yard (Side). The required yard between the side property line and a building or structure.

Zero-Lot Line. Construction of Building where the edge of the building is coincident with the neighbor's property.

## **AMENDMENT TO THE ZONING CODE : Tower Height Exceptions (12-14-7B)**

This amendment will be known as 12-14-7b, which replaces 12-14-7A which replaced 12-14-7 Height Exceptions: A & B, of the City of Socorro Zoning Code adopted August 5, 1991.

### **INTENT:**

1. To provide a uniform and comprehensive set of standards for the development of commercial wireless telecommunications facilities and the installation of antennas.
2. To protect and promote health, safety, community welfare, and the aesthetic quality of the City of Socorro.
3. To protect the visual character of the City from the potential adverse effects of telecommunication facility development.
4. To protect the environmental resources of Socorro.
5. To insure that a competitive and broad range of telecommunications services and a high quality telecommunications infrastructure are provided to serve the community.
6. To create and preserve telecommunications facilities that will serve as an important and effective part of Socorro's emergency response network.
7. To promote collocated, concealed, and visually unobtrusive wireless telecommunications facilities.

Installation of any and all cellular antennas, towers or other telecommunication facilities in any zone shall constitute a Special Use and shall receive final approval from the City Council following the procedure set forth in 12-5-5.

### ***HEIGHT RESTRICTIONS\* BY ZONE***

<i>R1</i>	<i>26'</i>	<i>R4</i>	<i>26'</i>	<i>RR</i>	<i>26'</i>
<i>R2</i>	<i>26'</i>	<i>C1</i>	<i>26'</i>	<i>RA</i>	<i>26'</i>
<i>R3</i>	<i>26'</i>	<i>C2</i>	<i>26'</i>	<i>M1</i>	<i>150'</i>

All height restrictions are subject to the provisions of this Code, state, federal and or FAA regulations.

### **CONSTRUCTION STANDARDS**

All towers shall meet UBC standards in effect at the time the application for a special use permit is made.

All towers shall be able to withstand a 75-mph wind.

#### SETBACKS

The minimum setback from any property line for a telecommunications tower or antenna shall be equal to the height of the tower or antenna.

#### LIGHTING

Only security lighting or lighting required by state and or federal law is permitted. Lighting shall be in compliance with Article 15 of this Zoning Code.

#### SIGNAGE

The only signage permitted is that which is required by state or federal law.

#### TELECOMMUNICATIONS EQUIPMENT BUILDINGS OR CABINETS

These cabinets or buildings shall not exceed 400 square feet in gross floor area and shall not exceed 12' in height. Setbacks shall be in compliance with the setbacks for the zoning districts in which the facility is located.

#### COLLOCATION

No cellular antenna or tower shall be permitted unless the Zoning Administrator or his/her designee determines, upon applicants demonstration, that there exists a need for a new tower and that alternatives to the construction of a tower have been exhausted.

#### ABANDONMENT

All wireless telecommunications facilities which are not in use for six consecutive months shall be removed by the owner. This removal shall take place within three months of the end of such six-month period. Upon removal, the site shall be renegotiated to blend with the existing surrounding vegetation.

#### APPLICATION REQUIREMENTS

1. A detailed site plan.
2. An inventory of existing towers, owned by the applicant, and located within the boundaries of the City of Socorro or within 1000' of the City boundary.
3. Evidence of collocation plans.
4. A letter of intent committing the tower owner and his/her/its successors to allowing shared use of the facility an additional user agrees to meet reasonable terms and conditions of shared use.

5. Photographs of similar sites or computer generated photos of what the site will look like when complete.

6. A landscape plan compatible with the surrounding area.

#### EXCLUSIONS

The following facilities shall be exempted from the provisions of this amendment to the Zoning Code:

1. Any towers or commercial antennas that were in existence prior to the date of adoption of this amendment.

2. Emergency services wireless telecommunications facilities used exclusively for police, fire and operation of the City utilities.

3. Any antenna used for AM, FM, or TV broadcasting.

4. Any antenna or tower used exclusively for licensed operation in the amateur radio service.

#### SEVERABILITY

If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not effect the validity of the remaining provisions of this ordinance.

#### CONFLICT

In the event of a conflict with any other section of the Zoning Code, the terms of this amendment. Shall control, thereby effectively amending the conflicting provision.

Passed, Approved, and adopted on this 5<sup>th</sup> day of November, 2001.

\*For the purpose of this amendment, variance to height restrictions must be addressed with the Special Use Permit.

### **12-4-3.1 DISCONTINUANCE OF A NON-CONFORMING USE-MOBILE HOMES**

#### **A. Voluntary Discontinuance**

1. In the event a non-conforming use mobile home is removed from the land, the property owner shall have one hundred twenty (120) days from the date of removal to replace the removed mobile home with. a replacement mobile home conditioned upon:

a. The property owner submitting to the Code Enforcement Officer documentation evidencing that the replacement mobile home has a higher fair market value than the original mobile home; and

b. The Planning and Zoning Commission holding a public hearing, finding that the replacement mobile home has a higher fair market value than the original mobile home, and issuing a non-conforming use designation.

2. Each non-conforming use designation shall. automatically expire on its seventh (7th) anniversary date of issuance, unless the replacement mobile home is sooner removed, and in either event, the land use shall conform with the then existing zoning requirement.

#### **B. Involuntary Discontinuance**

1. In the event a non-conforming use mobile home, which serves as the primary residence of the property owner, be rendered inhabitable -by fire, flood or natural disaster, the property owner shall have one (1) year from the date of the inhabitability to replace the inhabitable mobile home with a replacement mobile home conditioned upon:

a. Submission by the property owner of an affidavit affirming the mobile home to be the property owner's primary residence;

b. The issuance of a non-conforming use certificate as provided for in Article 12-4-4; and

c. Annual submission by the property owner of an affidavit affirming that the replacement-mobile home remains the primary residence of the property owner.

2. In the event a non-conforming use mobile home, which does not serve as the property owner's primary residence, be rendered inhabitable by fire, flood or natural disaster, the property owner shall be-afforded the option set forth in Article 12-4-3.1 (A) above.

## **RESOLUTION NO. PZ 04-06-07**

Whereas in 1991 the City of Socorro adopted a planning & zoning code by ordinance, and;

Whereas the zoning code is amendable by resolution, and;

Whereas from time to time it has become necessary to modify the code to meet the needs of the City and/or its residents, and;

Whereas on May 26, 2004 the City of Socorro Planning and Zoning Committee gave preliminary approval to the "discontinuance of a non-conforming use mobile home" amendment, and;

Now therefore we the Governing Body of the City of Socorro amend the City's zoning code to include the attached amendment regarding the continuance of mobile homes as a non-conforming use.

Passed, Signed, Approved and Adopted this 7th day of June 2004.

## **RESOLUTION 05-02-07b**

WHEREAS, The City of Socorro has adopted planning and zoning regulations which regulate land use within the municipal boundaries of the City, and;

WHEREAS, Zoning regulations for commercial purposes have been an integral portion of the City's Zoning Code, and;

WHEREAS, To date, the City's Zoning Code has not addressed the growing concerns caused by transient vendors, and;

WHEREAS, On December 15, 2004, the City's Planning and Zoning Commission held a public hearing to discuss the zoning of property which is used by transient vendors, and;

WHEREAS, The recommendation from the City's Planning and Zoning Commission is to require a Special Use Permit for property which is to be used as a transient vending site.

NOW, THEREFORE, be it resolved by the Governing Body of the City of Socorro that Section 12-8-7D (City Zoning Code) be amended to include Transient Vendors, and; Be it further resolved that transient vendors are to be defined as follows:

Transient Vendor: One who sells retail goods/services for profit on a transitory basis not associated with an existing permanent business, excluding fireworks vendors, carnivals, farmer's markets, and public festival or fiesta vendors.

Effective date of this change will be July 1, 2005. \*

Passed, Approved and Adopted this 7th day of February, 2005.

\*As of July 1, 2005, all property which houses transient vendors (as defined above) will require a special use permit.